



Agenda
City of Bainbridge, Georgia
Regular Session - Mayor and City Council
September 21, 2021 6:30 p.m. - City Council Chambers



- I. INVOCATION and PLEDGE TO THE FLAG
- II. APPROVAL OF MINUTES OF REGULAR SESSION – August 17, 2021
- III. APPROVAL OF MINUTES OF SPECIAL CALLED MEETING – September 1, 2021
- IV. APPROVAL OF MINUTES OF SPECIAL CALLED MEETING – September 7, 2021
- V. RECOGNIZE VISITORS AND DELEGATIONS
- VI. PUBLIC HEARING - FY 2022 BUDGET
- VII. CONSIDERATION OF ADOPTION – FY 2022 BUDGET
- VIII. CONSIDERATION OF STREET CLOSURE REQUESTS
- IX. CONSIDERATION OF ALCOHOLIC BEVERAGE LICENSE APPLICATIONS
- X. PUBLIC HEARING - TEXT AMENDMENT
- XI. CONSIDERATION OF TEXT AMENDMENT
- XII. INTRODUCTION OF BOND AND SUPPLEMENTAL BOND ORDINANCE
- XIII. CONSIDERATION OF PLANNING COMMISSION RECOMMENDATIONS
- XIV. MAYORAL APPOINTMENTS

Bids:

1. Three Dog Enterprises, LLC
Cooper House
Bainbridge, GA \$81,250.00
2. Vulcan Signs
Signs, Posts, and Brackets
Foley, AL \$254,057.83

MINUTES
CITY OF BAINBRIDGE, GEORGIA
COUNCIL CHAMBERS OF CITY HALL

TUESDAY, AUGUST 17, 2021

6:30 P.M.

PRESENT: MAYOR EDWARD REYNOLDS, PRESIDING

COUNCIL MEMBERS: GLENNIE BENCH, PHIL LONG, ROSLYN PALMER,
DON WHALEY, KREGG CLOSE AND SYLVIA
WASHINGTON

CITY STAFF: CITY MANAGER CHRIS HOBBY, ROY OLIVER,
ALLIE GODWIN, LISA TAYLOR, CRYSTAL HINES,
SYLVIA BIVINS, GABE MENENDEZ, STEVE O'NEIL,
AL KELLEY, TERRELL JONES, MARK ESQUIVEL,
AND JOSH GLOVER

GUESTS: GERALD JONES, MARIE JONES, JADEN HOLT,
VERONICA JONES, DANA BRYANT, MAX BRYANT,
REV. ADREN BIVINS, SR., JILL HOLLOWAY, BRUCE
KIRBO, JOSEPH DENT, PAUL FRYER, JOE PUTNAL
AND NATALIE KIRBO

ABSENT: NONE

INVOCATION AND PLEDGE TO THE FLAG

Mayor Reynolds called the meeting to order at 6:30 p.m. After the call to order, Councilwoman Washington gave the invocation and all those assembled pledged allegiance to the flag of the United States of America.

APPROVAL OF MINUTES

Upon motion by Councilwoman Palmer and seconded by Councilwoman Washington, the Council voted 6-0 to approve the August 3, 2021 minutes as presented.

VISITORS AND DELEGATIONS

Mayor Reynolds opened the floor for anyone to speak on an item that was not currently on the agenda. Mr. Joe Putnal of 909 Julia Place came forward to address a few concerns regarding his property on Fountain Drive. Hearing from no other citizen, Mayor Reynolds proceeded to the next item on the agenda.

RECOGNIZE EMPLOYEE OF THE 3RD QUARTER

Mayor Reynolds presented Terrell Jones with Employee of the 3rd Quarter. Mr. Jones was congratulated and thanked for his hard work and dedication to the Community Services Department.

SPECIAL GUEST – REV. ADREN BIVINS, SR.

Reverend Adren Bivins and Sister Sylvia Bivins of The Laymen Brotherhood Second Chance Outreach Center, Inc. was before the Mayor and City Council to ask for their support for the 2021 Youth Rally for Christ “Say No to Drugs, Violence & Gangs.”

CONSIDERATION OF ALCOHOLIC BEVERAGE LICENSE APPLICATION

City Manager Hobby presented an alcoholic beverage license application from Sankitbhai M. Patel of A&J Stop Shop located at 1006 East River Road. Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Washington, the Council voted 6-0 to approve the alcoholic beverage license application as presented.

CONSIDERATION OF STREET CLOSURE

City Manager Hobby presented a street closure from Mr. Gallagher Dempsey to hold a Jazz and Blues Festival on Saturday, February 5, 2022. The request is to close

surrounding streets of Willis Park from 11am-11pm with the street section on Broughton Street, between Broad and West, from 7am – 12am (Sunday). Upon a motion offered by Councilman Whaley and seconded by Councilwoman Palmer, the Council voted 6-0 to approve the street closure request as presented.

INTRODUCTION OF PROPERTY DEMOLITION AND CONDEMNATION

City Manager Hobby introduced an ordinance that would allow the demolition of structures located at 1315 Broughton Street, 902 Albany Road, 736 S. Monroe Street, and 805 Albany Road.

INTRODUCTION OF TEXT AMENDMENT

City Planner Steve O’Neil formally introduced a text amendment to Chapter 50 – Nuisances, Article V. – Substandard Building – Section 4 – Jurisdiction to change “Municipal Court of the City” to “Bainbridge City Council.”

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATIONS

City Planner Steve O’Neil stated that the Bainbridge – Decatur County Planning Commission met on Tuesday, August 10th and considered two items that require council action. At this time Mayor Reynolds and Mayor Pro Tem Bench stated they would recuse themselves from this portion of the meeting and Mayor Reynolds passed the gavel to Councilman Long.

ITEM 1: The City of Bainbridge is considering text amendments to the Bainbridge Zoning Ordinance to make the definitions section more user friendly, adding a definition for micro distillery, adding micro distillery to the table 7.1 (Permitted and Conditional Uses for Commercial and Industrial Zoning Districts), and adding multiple family dwellings and Recreational vehicle parks as a conditional use in Light Industrial (LI) zoning. Mr. O’ Neil stated that the Planning Commission voted in favor of the text

amendments. Upon a motion offered by Councilman Whaley and seconded by Councilwoman Washington, the Council voted 5-0 to adopt the text amendments as presented.

ITEM 2: CU-2021-0014: Applicant Max Bryant is requesting a conditional use in the Central Business District Zone (CBD) for a funeral home on the property located at 105 N. Florida St. The property is 0.66 acres. Mr. O'Neil stated that the Planning Commission voted in favor of the application with the conditions as follows: Parking parameters up to 1500 feet, safe pedestrian travel from public parking to the property, and an accurate seating count. Mr. O'Neil informed the Council that the application met all of the requirements for a conditional use without the conditions in place. Councilman Long asked if anyone would like to come forward to discuss this application. Mr. Joe Dent of Watson Spence LLP, an attorney representing Rollins Funeral Home, addressed the council with concerns regarding the size of the chapel, the funeral home parking plan as well as an off-street parking plan. He also stated that Bryant Funeral Home was operating before they were issued a CO. Mr. Bruce Kirbo of 206 W. Water Street came forward to state that he was against the process, which he felt had been skewed. After a brief discussion from council and city staff, Councilman Whaley made a motion to approve the conditional use application. The motion was seconded by Councilwoman Washington and approved 5-0.

ADJOURNMENT

Mayor Reynolds and Mayor Pro Tem Bench returned from the back room, and Mayor Reynolds adjourned the meeting at 7:28 pm.

BY:

EDWARD REYNOLDS, MAYOR

ATTEST:

ALLIE GODWIN, COUNCIL CLERK

MINUTES
CITY OF BAINBRIDGE, GEORGIA
TUESDAY, SEPTEMBER 1, 2021
8:30 A.M.

PRESENT: MAYOR EDWARD REYNOLDS, PRESIDING

COUNCIL MEMBERS: DON WHALEY, GLENNIE BENCH, ROSLYN PALMER AND SYLVIA WASHINGTON

CITY STAFF: ASSISTANT CITY MANAGER ROY OLIVER, ALLIE GODWIN, STEVE O'NEIL, CRYSTAL HINES, LISA TAYLOR, AND DIRECTOR FRANK GREEN

GUESTS: MARK HARRELL

ABSENT: PHIL LONG AND KREGG CLOSE

INVOCATION AND PLEDGE TO THE FLAG

Councilwoman Bench gave the invocation and all those assembled pledged allegiance to the flag.

PUBLIC HEARING – MILLAGE RATE

Mayor Edward Reynolds informed those assembled that this meeting had been advertised as the time and date for a public hearing on the proposed millage rate. Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Washington, the Council voted 4-0 to open the public hearing. Hearing no public comment, a motion was made by Councilwoman Palmer to close the public hearing. The motion was seconded by Councilwoman Bench and approved 4-0 to close the public hearing.

CONSIDERATION OF ADOPTION OF MILLAGE RATE

Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Washington, the Council voted 4-0 to adopt the millage rate as presented.

ADJOURNMENT

With there being no further business, Mayor Reynolds adjourned the meeting at 8:34p.m.

BY:

EDWARD REYNOLDS, MAYOR

ATTEST:

ALLIE GODWIN, COUNCIL CLERK

MINUTES
CITY OF BAINBRIDGE, GEORGIA
TUESDAY, SEPTEMBER 7, 2021
6:30 P.M.

PRESENT: MAYOR EDWARD REYNOLDS, PRESIDING

COUNCIL MEMBERS: PHIL LONG, KREGG CLOSE, DON WHALEY, GLENNIE BENCH, ROSLYN PALMER AND SYLVIA WASHINGTON

CITY STAFF: CITY MANAGER CHRIS HOBBY, ROY OLIVER, ALLIE GODWIN, STEVE O'NEIL, LISA TAYLOR, GABE MENENDEZ AND FRANK GREEN

GUESTS: ETHAN REDDISH, EDITH MILLER AND DORIS COSBY

ABSENT: NONE

INVOCATION AND PLEDGE TO THE FLAG

Councilman Whaley gave the invocation and all those assembled pledged allegiance to the flag.

PRESENTATION OF FY 2022 OPERATING BUDGET

City Manager Hobby was before the Mayor and City Council to present the proposed City of Bainbridge Fiscal Year 2022 Operating Budget. Comments were made by Councilwoman Bench on Covid Incentive Pay, COLA, Fiber and Intergovernmental Agreements.

PUBLIC HEARING – FY 2022 OPERATING BUDGET

Mayor Edward Reynolds informed the City Council for the need to hold a public hearing for the Fiscal Year 2022 Operating Budget. Upon a motion by Councilwoman Palmer, seconded

by Councilwoman Bench, and approved 6-0, the Council voted to open the public hearing. Hearing no public comment, the motion was made by Councilwoman Bench, seconded by Councilman Close and approved 6-0 by Council, to close the public hearing portion of the meeting.

ADJOURNMENT

With there being no further business, Mayor Reynolds adjourned the meeting at 6:55 p.m.

BY:

EDWARD REYNOLDS, MAYOR

ATTEST:

ALLIE GODWIN, COUNCIL CLERK

BAINBRIDGE HIGH SCHOOL

**1 BEARCAT BOULEVARD
BAINBRIDGE, GA 39189-4878
229-248-2230**



ASSISTANT PRINCIPALS

**JIMMY HARRIS
VONDA HUBBARD
SEAN JOHNSON
DAVID MACKEY
MARILYN MELTON
SCOTT MILLER
CHRISTINE PUGH**

September 9, 2021

Mr. Chris Hobby, City Manager
City of Bainbridge
P. O. Box 158
Bainbridge, GA 39818

Dear Mr. Hobby:

The Bainbridge High School Homecoming game is Friday, October 8, 2021. It is a Bainbridge High School tradition to have the Homecoming Parade prior to the game. This year we would like to request your permission to conduct the Homecoming Parade on Thursday, October 7, 2021 at 5 p.m. Our opponent this year will be the Dougherty High School Trojans of Albany, Georgia. If granted permission, we will comply with all the City of Bainbridge guidelines and procedures. We would also like to request your assistance in providing Public Safety for this event.

With your permission, the parade will take the following route: lineup and start on Wheat Avenue, left onto Shotwell Street, right onto Broad Street, left onto Water Street, right onto West Street, and a left onto Jackson Street with dispersal at this point. This is yet another opportunity for our community to join together as we support the youth of Decatur County. We would like to thank you for all of the assistance you have provided Bainbridge High School and for helping make this year's homecoming a success.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sean Johnson', written over a blue horizontal line.

Sean Johnson
Assistant Principal

Street closure request

Mardi McRae <mardimcrae@gmail.com>

Wed 9/15/2021 4:54 PM

To: Allie Godwin <allieg@bainbridgcity.com>

Allie,

Would it be possible to close the portion of Alice Street that runs next to GCA from 12:00-2:00 on Friday, October 22nd for our Homecoming parade????

Thanks so much,
Mardi McRae

August 19, 2021

Dear Mr. Hobby,

On behalf of the Organizing Committee for the 5th Annual Bainbridge Walk to End Alzheimer's, I am respectfully requesting the approval and assistance of the City of Bainbridge in coordinating the event. The Walk is scheduled for Saturday, October 23, 2021. An awareness and remembrance program will be at 10 AM in Willis Park, and the Walk will begin at 10:30 AM. The planned route is for the Walk to begin at the intersection of Broad Street and Broughton Street, proceed down Broad to Shotwell, turn left on Shotwell to Monroe Street, turn left on Monroe Street to Broughton, proceed down Broughton to Willis Park where it will end. We anticipate that the Walk will be finished by 11:00 AM.

We are requesting the following assistance from the City of Bainbridge:

- Use of Willis Park from 8 AM until Noon
- Closure of Broughton Street and Water Street bordering Willis Park (West Street to Broad Street) from 8 AM until Noon
- Assistance from Bainbridge Public Safety in leading the Walk, diverting traffic during the Walk, and monitoring the Walk

As you know, Alzheimers is an especially cruel disease. It is the sixth leading cause of death in the United States, and it currently cannot be prevented, cured, or even slowed. Through events like the Bainbridge Walk to End Alzheimer's, awareness and funds can be raised in hopes the dire prognosis of Alzheimer's will be changed. We deeply appreciate the assistance and support of the City of Bainbridge in this endeavor.

Sincerely,



Tommie Howell

City of
BAINBRIDGE
GEORGIA

City of Bainbridge Alcohol License Checklist

LICENSE # 12121
 CITY COUNCIL MEETING DATE 9/21/2021
 NEW RENEWAL AMENDED
 TYPE OF LICENSE APPLYING FOR:

CLASSIFICATION OF LICENSE						
Distilled Spirits Consumption Fee: \$2,400.00 Late Fee: \$100	Package Store Fee: \$3,125.00 Late Fee: \$100.00	Malt Beverage Retail <input checked="" type="checkbox"/> Fee: \$150.00 Late Fee: 100.00	Wine Package Retail <input checked="" type="checkbox"/> Fee: \$200.00 Late Fee: \$100.00	Malt Beverage Consumption Retail Fee: \$300.00 Late Fee: \$100.00	Wine Consumption Retail Fee: \$300.00 Late Fee: \$100.00	Bar Fee: \$4,800.00 Late Fee: \$100.00
Amended Fee: \$100		Initial Application Fee: \$100				

NAME OF BUSINESS WIC One Stop Shop

STREET ADDRESS OF BUSINESS 2200 S. West Street

NAME OF APPLICANT/OWNER John R. Webster

NAME OF MANAGER Crystal Grimes

- Completed Application ✓
- Paid Fee ✓
- Signature of Applicant and/or Property Owner ✓
- Distance statement and Approval from Chief Marshall/Building Official [Signature]
- Personal Statement ✓
- Notarized Affidavits if applicable **(required for new owner and manager)** ✓
- Copy of Driver's License or current Photo Identification ✓
- Background Check Payment: YES NO
- Privacy Rights (Applicant retains a copy) ✓
- Approval by Director of Public Safety WHS
- Approval by Director of Administrative Services [Signature]
- Approval by City Manager and/or, Mayor and City Council _____

City of
BAINBRIDGE
GEORGIA

City of Bainbridge Alcohol License Checklist

LICENSE # 1281

CITY COUNCIL MEETING DATE 9/21/2021

NEW RENEWAL AMENDED

TYPE OF LICENSE APPLYING FOR:

CLASSIFICATION OF LICENSE						
Distilled Spirits	Package Store	Malt Beverage	Wine Package	Malt Beverage Consumption Retail	Wine Consumption Retail	Bar
Consumption Fee: \$2,400.00 Late Fee: \$100	Fee: \$3,125.00 Late Fee: \$100.00	<input checked="" type="checkbox"/> Retail Fee: \$150.00 Late Fee: 100.00	<input checked="" type="checkbox"/> Retail Fee: \$200.00 Late Fee: \$100.00	Fee: \$300.00 Late Fee: \$100.00	Fee: \$300.00 Late Fee: \$100.00	Fee: \$4,800.00 Late Fee: \$100.00

Amended Fee: \$100 Initial Application Fee: \$100

NAME OF BUSINESS Vedant Food, LLC dba Las Lomas

STREET ADDRESS OF BUSINESS 801 E. Water Street

NAME OF APPLICANT/OWNER Krishnaben Patel

NAME OF MANAGER Krishnaben Patel

- Completed Application ✓
- Paid Fee ✓
- Signature of Applicant and/or Property Owner ✓
- Distance statement and Approval from Chief Marshall/Building Official JK
- Personal Statement ✓
- Notarized Affidavits if applicable (*required for new owner and manager*) ✓
- Copy of Driver's License or current Photo Identification ✓
- Background Check Payment: YES NO
- Privacy Rights (Applicant retains a copy) ✓
- Approval by Director of Public Safety WJY
- Approval by Director of Administrative Services LAT
- Approval by City Manager and/or, Mayor and City Council _____

Chapter 50 - NUISANCES

ARTICLE I. - IN GENERAL

Sec. 50-1. - Premises to be kept in sanitary condition; authority of Chief Marshal.

The Chief Marshal shall have the authority to clean and place in a sanitary condition all property within the corporate limits of the city, and the expenses incurred in cleaning such property shall be assessed against the real estate and collected as taxes are collected in the city; provided, however, that before the provisions of this section shall become effective, the Chief Marshal shall have a written notice tacked on the affected premises for ten (10) days, which notice shall require the owner to place the premises in a sanitary condition, and if at the expiration of the ten (10) days the premises have not been put in a good sanitary condition, then the Chief Marshal shall proceed as above allowed.

Sec. 50-2. – Maintenance of Exterior Structure.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

A. Protective treatment of exterior surfaces.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains shall be removed from exterior surfaces. A violation of section 50-2(A) shall not occur solely because of aesthetic conditions.

B. Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be contrast with their background. Numbers shall be not less than 4 inches in height with a minimum stroke width of ½ inches.

C. Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

D. Roof and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

- E. Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

- F. Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Sec. 50-3. – Enforcement. Violations of Sec. 50-2 shall be abated not more than thirty (30) days from the violation date to abate the violations identified.

ARTICLE II. - WEEDS

Sec. 50-17. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brush means land covered with scrub vegetation.

Underbrush means shrubs, bushes or small trees growing beneath large trees.

Weed means a plant of no value and usually of rank growth which tends to overgrow and choke out more desirable plants. Lots that have been undisturbed and in their natural state are exempt from this ordinance.

Sec. 50-18. - Property owners to maintain lots.

All persons owning improved or unimproved lots within the city are hereby required to keep and maintain such lots in a condition and manner so as not to jeopardize the public health and safety of the citizens of the city. It shall be the owner's duty to continuously keep cleaned, cleared, mowed and trimmed all such lots owned and possessed within the city.

Sec. 50-19. - Enforcement.

(a) Service of the legal notice for violations of this article shall be as follows:

- (1) By delivery to the owner personally, such legal notice to be delivered by an officer, agent or employee of the city designated by the city manager;
- (2) By depositing the notice in the United States post office addressed to the owner at his last-known address with postage prepaid thereon, such notice to be sent by certified mail; or

- (3) If the probable owner cannot be identified and/or reached by either method in subsection (a)(1) or (2), by posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises where the violations exist.
- (b) All violations shall be abated within a reasonable period of time, as determined by the Chief Marshal. Failure to abate the violations shall be interpreted to give consent for the city to enter upon the premises and abate the violations thereon by the most practical method and place a lien against the property for the cost of the work or face a civil fine from the City of Bainbridge.

Sec. 50-20. - Notice to cut grass/weeds.

It shall be unlawful for grass (excluding Bahiagrass) and weeds to exceed a height of ten (10) inches. It shall be the duty of the Chief Marshal to order the weeds or like growth prohibited by this article to be cut within ten (10) days, as determined by the Chief Marshal by posting upon the premises a notice in writing and serving upon the owner or person in possession a copy of the notice, or for nonresident owners, notification by mail.

Sec. 50-21. - Failure to comply with notice; abatement by city; costs; lien.

Upon the failure of the owner or tenant to cut and remove all weeds and like growth pursuant to the notice required by section 50-20, the City Manager, or his/her designee shall then order such cutting and removal to be done under the supervision of the Code Enforcement Officers, who shall render a written statement of the costs to the owner of property, or post the statement on the premises. If the cost is not paid to the city treasurer within 15 days, the city manager shall order the clerk to issue a fieri facias against the owner of such premises and against such premises for the amount, and the fieri facias shall be a lien against the premises and shall be enforced and collected, together with the cost of such collection, as fieri facias in favor of the city are enforced and collected.

ARTICLE III. - JUNK

Sec. 50-37. - Administration of article.

This article shall be administered by the building official, public safety department and other law enforcement officers of the city under the supervision of the city manager.

Sec. 50-38. - Abandoned junk, vehicles, etc.—Prohibited.

It shall be unlawful for any person to place, leave unattended, discard or abandon any obsolete or nonfunctioning motor vehicle, appliance, machinery, equipment, junk or salvage material out-of-doors and in unenclosed areas upon any public or private land within the city. After receiving a notification of violation for obsolete or nonfunctioning vehicles property owners will have up to 10 days to remove the vehicle(s) and/or junk.

Sec. 50-39. - Same—Nuisance declared.

The maintenance, operation and allowing of junk or salvage material upon any private or public property within the city shall constitute a nuisance.

Sec. 50-40. - Inspections.

It shall be the duty of the city manager, building official, public safety department, and other officers of the city to inspect property within the city to discover violations of this article and of the existence and location of unlicensed junk or salvage items upon the private or public property within the city.

Sec. 50-41. - Notice of violation.

The Chief Marshal, or his/her designee shall notify the owner in possession of any land or property, in writing, of any violation of this article within the corporate limits of the city to abate such violation and nuisance by removing the unlicensed junk or salvage material to another location, not inconsistent with this article, within ten (10) days of receipt of such notice.

Sec. 50-42. - Appeal from notice of violation.

A person receiving a written notice of a violation of Chapter 50 of the Bainbridge City Code may appeal to the Community Development Director within ten days by stating his reasons, in writing, as to why he is unable or should not be required to comply with the provisions of this article or as to why the same is not applicable to the situation in question. Such issues shall be heard and tried by the Community Development Director who shall decide the questions in issue according to the evidence submitted by the parties. Further appeal shall be before the City Manager or his/her designee within five (5) days of appeal denial from the Community Development Director. If there is still no conclusion, the next step is to take the matter to the Bainbridge Municipal Court for a ruling.

ARTICLE IV. – CIVIL PENALTIES

Sec. 50-50. – Administrative Civil penalties.

Enforcement of instances of recurring Code violation conditions/notices of Chapter 50. It is hereby established the administrative imposition and enforcement of ordinances identified herein so as to subject them to fines in amounts on file with the department heads and clerk of council of the city and to provide for hearing thereon to be conducted as civil administrative hearings and without court involvement and to provide a right of appeal from the department head to the city manager and thereafter to the municipal court of the city when requested as follows:

1. First offense: ABATEMENT VIOLATION NOTICE (TIME LIMIT DEPENDS ON VIOLATION)
2. Second offense: \$150
2. Third through Fifth offense: \$250.00.
3. Sixth offense: \$350.00.
4. Seventh offense: \$400.00
5. Eighth offense: \$500.00.
6. Ninth offense: \$600.00.
7. Tenth and over offense: \$1,000.00.

(A) *Payment of civil penalties.* Civil penalties shall be paid within 30 days from the date of the invoice.

(B) Civil penalties shall be billed in the designated block on the City of Bainbridge's water bill and or an entirely separate bill mailed from the City of Bainbridge's billing department.

(C) City Code Enforcement Officer will notify the proper billing department when the second offense or second violation notice is mailed for such said property and the billing cycle will then begin.

A violation of any of the provisions of this chapter shall be civil in nature and shall not constitute a misdemeanor or infraction until such time it would need citation/ summons for judgement in a municipal court. Any person who violates the provisions of this chapter shall be punished as provided for in this section, and each day that such violation exists, after 30 days of the receipt of the notice of violation, shall constitute a separate offense.

ARTICLE V. - Substandard Building

Section 1. Declaration of Findings and Policy

- (A) It is hereby found and declared that there exist within the City of Bainbridge a large number of real properties which contain vacant, abandoned, or blighted buildings. The existence of these vacant and dilapidated properties contributes to the decline of our neighborhoods. It is further found that the existence of vacant and substandard buildings affects the economic well-being of this city and is detrimental to the health, safety and welfare of the residents of the neighborhoods.
- (B) In order to remedy some of this blight, it shall be the policy of the City and its designated officials to investigate and determine which, if any, of the many vacant and substandard buildings could be rehabilitated and reconstructed so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction and reuse would eliminate, remedy, and prevent the adverse conditions described above. If the structures are in such poor state of repair that rehabilitation is not feasible or that the owner has no interest in rehabilitation, then for the greater benefit of the community, the City should proceed to have these buildings demolished.

Section 2. Definitions

For the purpose of this ordinance, the following words and terms shall have the meanings respectively ascribed as follows:

- (A) Unsafe Structure - shall mean any vacant building or structure or any portion of said property that is defined by one or more of the following definitions:
- (1) It is determined by the City, that existing conditions pose a serious or immediate danger to the community; i.e. a life threatening condition or a condition which puts at risk the health or safety of citizens of the City.
 - (2) It is not being maintained; the following factors may be considered in determining whether a structure or building is not being maintained; missing or boarded windows or doors; a collapsing or missing wall, sagging or collapsed roof or floor; siding that is seriously damaged or missing; fire damaged; a foundation that is seriously damaged or missing; a foundation that is structurally faulty; or garbage, trash or abandoned cars situated on the premises (unless the premises is a legal junk yard.)
 - (3) It is becoming dilapidated;
 - (4) It has attracted illegal activity;

- (5) It is a fire hazard;
- (6) It is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition;
- (7) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood;
- (8) It constitutes a health or sanitary problem.
- (9) Does not have adequately maintained minimum plumbing, heating, or electrical services required by code.

(B) "Blighted" - means any urbanized or developed real property which:

- (1) Presents two or more of the following conditions:
 - a. Uninhabitable, unsafe, or abandoned structure;
 - b. Inadequate provisions for ventilation, light, air, or sanitation;
 - c. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this article shall not apply to real property unless the city has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
 - d. A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
 - e. Repeated illegal activity on the individual property of which the property owner knew or should have known; or
 - f. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and
- (2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property. Property shall not be deemed blighted solely because of aesthetic conditions.

(B) "Administrator"- shall mean the Building Official of the City.

(C) "Dilapidated"- shall mean a state of decay or partial ruin.

(D) "Vacant" - shall mean a building or structure which has been unoccupied for a period of sixty (60) days or longer during which the building or a portion thereof is not legally

occupied. Under the provision of this ordinance enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of trash disposal or other condition, is blighted, or otherwise falls under the condition generally described in Section 1, Declaration of Policy.

- (E) "Legal Occupancy" • shall mean occupancy that is legal by virtue of compliance with State Building codes, State Fire Safety codes, local zoning codes, housing codes, and all other pertinent codes, which must be substantiated by: a) ownership; b) a mortgage; c) a lease agreement; or d) a rent statement. Legal occupancy of a commercial business must also include that the business has a valid Certificate of Occupancy.
- (F) "Neighborhood" - shall mean an area of the City comprised of all premises or parcels of land any part of which is within a radius of 600 feet of any part of another parcel or lot within the City limits.
- (G) "Owner" - shall mean the holder of the title in fee simple and every mortgagee of record. The official record shall mean the records of the Decatur County Tax Assessor.
- (H) "Parties in Interest" - means persons in possession of such property and all individuals, associations, and corporations, who have an interest of record in the county where the property is located in a dwelling, building, or structure, including executors, administrators, guardians, and trustees. "Interest of record" shall mean records recorded and maintained by the Decatur County Tax Assessor.
- (I) "Public Authority" - means any housing authority or any officer who is in charge of any department or branch of the government of the city or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the city.
- (J) "Unit" - shall mean any space within a building that is or can be rented by or to a single person or entity for his or its sole use, and is intended to be a single and distinct space.
- (K) "Dwelling Unit" - shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (L) "Vacant Parcel" - shall mean a parcel of land with no structures thereon.

Section 3. Prohibition against creation or maintenance of blighted premises.

Any owner, or tenant under contract to maintain the premises, of real property in the City shall not cause or allow blighted premises to be created, nor shall any owner allow the continued existence of blighted premises.

Section 4. Jurisdiction

~~Pursuant to Section 41-2-5, O.C.G.A.,~~ when prosecuting a case under this chapter, the Jurisdiction to hear de novo evidence of substandard or dilapidated structures within the City of Bainbridge resides with the ~~Municipal Court of the City~~ **city council**.

Section 5. Enforcement.

- (1) It is found and declared that in the municipalities of this state there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with the applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the jurisdiction where the property is located; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of this state; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures. It is found and declared that in the municipalities of this state where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of this state and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. Whenever the governing authority of any municipality of this state finds that there exist in such municipality dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of such municipality, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, power is conferred upon such municipality to exercise its police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures in the manner provided in this Code section and Code Sections 41-2-8

through 41-2-17.(2), O.C.G.A., the Building Official, and other officials charged with code enforcement responsibilities, shall cause regular inspections to be made of certain vacant or substandard buildings for the purpose of documenting continuous blight, and additionally, may seek the Municipal court to authorize such fines or penalties for compliance as are governed by State Law.

- (2) Each day that a building or structure or unit or part thereof, is in violation of this ordinance shall constitute a separate offense. The Administrator shall cause the imposition of said penalty by notifying the owner (s) by certified mail at the start of the period in which fines are levied. All fines imposed for violations of this section shall be paid to a fund maintained by the City. Penalties and fines shall be assessed according to section 1-7 of the City of Bainbridge Code of Ordinances.
- (3) In addition to any other remedies or enforcement mechanisms available, upon the adoption of an ordinance finding that the dwelling, building, conditions of the character described in Code Section 41-2-7, O.C.G.A., exist within a county or municipality, the governing body of such is authorized to adopt ordinances relating to the dwellings, buildings, or structures within such municipality which are unfit for human habitation or commercial, industrial, or business uses and not in compliance with applicable codes, which are vacant and being used in connection with the commission of drug crimes, or which constitute an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. Such ordinances shall include at least the following provisions:
 - a) That it is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances;
 - b) That a public code enforcement administrator be designated or appointed to exercise the powers prescribed by the ordinances; and shall designate any such additional code enforcement officers as are needed to enforce these regulations.
 - c) That whenever a request is filed with the code enforcement administrator or officer by a public authority or by at least five residents of the municipality charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of

the specific dwelling, building, structure, or property. If the code enforcement officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before a court of competent jurisdiction as determined by Code Section 41-2-5, O.C.G.A., at a date and time certain and at a place within the municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing;

d) That if, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or

- 2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property. For purposes of this Code section, the court shall make its determination of "reasonable" cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 43, O.C.G.A., qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction;
- e) That, if the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to Code Section 41-2-13, O.C.G.A., or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes 01. constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.";

- f) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds.

Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials; and

- g) That the amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner or municipal tax collector or city revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be invoiced to the owner and a lien against the real property upon which such cost was incurred shall be maintained in force until the lien is satisfied.
- (4) Pursuant to the Official Code of Georgia Annotated (O.C.G.A.) section 41-2-9 (b) (1-4) liens may be imposed upon property not in compliance with this ordinance. This is a superior lien subordinate only to the liens for unpaid taxes, and shall continue in force until paid. The redemption amount in any enforcement proceeding pursuant to this code section shall be the full amount of the costs as finally determined in accordance with State Law, and includes interest, penalties, and costs incurred by the City of Bainbridge, Decatur County Tax Commissioner, and/or the City Revenue Officer in the enforcement of such lien. The redemption of the property from the lien may be made in accordance with the provisions of Code sections 48-4-80 and 41-4-81, O.C.G.A.
 - (5) Violators of this ordinance shall have the right to appeal within thirty days from the date of the imposition of the fines. Payment of fines shall be stayed until the appeal has been heard and ruled on by the hearing officer. If dissatisfied with the findings, the violator may appeal to the Superior Court.

Section 6. Hearing Procedure.

Service of complaints or orders upon parties in interest and owners of unfit buildings or structures

- a) Complaints issued by a public officer pursuant to an ordinance adopted under Code Sections 41-2-7 through 41-2-11, O.C.G.A., this Code section, and Code Sections 41-2-13 through 41-2-17, O.C.G.A., shall be served in the following manner. At least 14 day prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
- b) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriffs advertisements appear in such county once a week for two consecutive weeks prior to the hearing.
- c) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- d) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Code section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.
 - 1) The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.
 - 2) In considering an appeal, the Hearing Officer may consider all relevant facts and circumstances and may require personal appearance of the violator and the Administrator or his/her designee.

Section 7. Appeal

Injunctions against order to repair, close, or demolish unfit buildings or structures

Any person affected by an order issued by the public officer may petition to the superior court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be had by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Code section.

Section 8. Taking

Taking of unfit buildings or structures by eminent domain; police power

Nothing in Code Sections 41-2-7 through 41-2-13, O.C.G.A., this Code section, and Code Sections 41-2-15 through 41-2-17 shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state nor as permitting any property to be condemned or destroyed except in accordance with the police power of this state. Any costs, including administrative costs, fines, and penalties, incurred by the City for any action resulting from enforcement of this section against an owner(s), shall be deducted from any compensation paid as a result of a "taking".

Section 9. Authority for Expenditures

Authority to use revenues, grants, and donations to repair, close, or demolish unfit buildings or structures.

Any municipality is authorized to make such appropriations from its revenues as it may deem necessary and may accept and apply grants or donations to assist it in carrying out the provisions of ordinances adopted in connection with the exercise of the powers granted under this chapter.

BAINBRIDGE-DECATUR COUNTY PLANNING COMMISSION

September 14, 2021

6:00 p.m.

City Council Chambers

MINUTES

MEMBERS PRESENT: Frank Flowers, John Marshall, Gene Dunlap, Lachanda Mackey, Zach McClendon

MEMBERS ABSENT: Alan Davis

OTHERS PRESENT: Steve O'Neil, Rachel Trolinger, Jason Lee, Natalie Kirbo, Edith Miller, Eldrick Jacobs, Ethan Reddish

I. CALL TO ORDER

Chairman Frank Flowers called the meeting to order at 6:00 P.M. then gave the invocation.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Minutes from the August 10, 2021 meeting were presented to the Planning Commission. Commissioner Marshall made a motion to approve the minutes, seconded by Commissioner McClendon and passed unanimously.

III. NEW BUSINESS

ITEM 1: The City of Bainbridge is considering text amendments to the Bainbridge Zoning Ordinance regarding Central Business District Ground Floor Residential in an effort to allow (under certain conditions) certain residential uses in the city's Central Business District Zoning classification.

Steve O'Neil started off by explaining the request for the text amendment stating that it would allow detached town homes to be developed in the CBD with conditions.

After more explanation and discussion Chairman Flowers called for a motion.

Commissioner Dunlap made a motion to table the text amendment request to obtain more information about it, seconded by Commissioner McClendon, favored by Commissioner Mackey, and Commissioner Marshall opposed the motion.

ITEM 2: CU-2021-004: Applicant AGK Investments is requesting a conditional use in the Urban Residential 6 Zone (UR-6) for a Short Term Rental on the property located at 705 Broughton St. The property is 0.32 acres.

Ms. Kirbo came forward and explained her conditional use request for a short term rental located at 705 Broughton St. She stated that she already had one short term rental property and that it does very well so she would like to do another one. The commissioners clarified with Ms. Kirbo that she would need to come back to the Planning Commission Board if she decided to do long term rental at said property.

After Mr. O'Neil gave staff recommendation and recommended approval, Chairman Flowers called for a motion. Commissioner McClendon made a motion to approve the conditional use as presented and the motion was seconded by Commissioner Marshall, and unanimously passed.

ITEM 3: ZONE-21-003: Applicant Grace Christian Academy is requesting a zoning change from Urban Residential 6 (UR-6) to Institutional (INS) for the purpose of constructing athletic fields, associated parking and small support structures for the athletic fields. The property is located on Hwy 97 South (part of Parcel ID B0420045) and is 70.24 acres.

Mr. Jason Lee came forward and spoke on behalf of Grace Christian Academy's request for a zoning change for the purpose of constructing athletic fields. He explained to the commission that the reason for the request for the zoning change is to construct a football field and baseball field.

After staff recommendation and recommended approval by Steve O'Neil, Chairman Flowers called for a motion. Commissioner Dunlap made a motion to approve the zoning change request, seconded by Commissioner McClendon, and unanimously passed.

IV. Old Business:

V. Adjournment: There being no more business, the meeting was adjourned.

Dr. Frank Flowers, Chairman

BAINBRIDGE-DECATUR

PLANNING COMMISSION

BAINBRIDGE-DECATUR COUNTY PLANNING COMMISSION

September 14th, 2021

6:00 p.m.

City Hall Council Chambers

- I. DETERMINATION OF A QUORUM
- II. CALL TO ORDER AND INVOCATION
- III. APPROVAL OF MINUTES OF PREVIOUS MEETING
- IV. NEW BUSINESS:

ITEM 1: The City of Bainbridge is considering text amendments to the Bainbridge Zoning Ordinance regarding Central Business District Ground Floor Residential in an effort to allow (under certain conditions) certain residential uses in the city's Central Business District Zoning classification.

ITEM 2: CU-2021-004: Applicant AGK Investments is requesting a conditional use in the Urban Residential 6 Zone (UR-6) for a Short Term Rental on the property located at 705 Broughton St. The property is 0.32 acres.

ITEM 3: ZONE-21-003: Applicant Grace Christian Academy is requesting a zoning change from Urban Residential 6 (UR-6) to Institutional (INS) for the purpose of constructing athletic fields, associated parking and small support structures for the athletic fields. The property is located on Hwy 97 South (part of Parcel ID B0420045) and is 70.24 acres.

- V. OLD BUSINESS:
- VI. ADJOURNMENT

BAINBRIDGE-DECATUR COUNTY PLANNING COMMISSION

August 10, 2021

6:00 p.m.

City Council Chambers

MINUTES

MEMBERS PRESENT: Frank Flowers, John Marshall, Gene Dunlap, Zach McClendon, Alan Davis

MEMBERS ABSENT: Billy Ward, Lachanda Mackey

OTHERS PRESENT: Steve O'Neil, Keith Pollock, Amanda Glover, Mike Conder, Rachel Trolinger, Crystal Hines, Randee Eubanks, Alfreda Sheppard, Margueritte Jackson, Bruce Kirbo, Jr.

I. CALL TO ORDER

Chairman Frank Flowers called the meeting to order at 6:00 P.M. and started off with a moment of silence for Mr. Billy Ward then gave the invocation.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Minutes from the July 13th, 2021 meeting were presented to the Planning Commission. Commissioner Davis made a motion to approve the minutes, seconded by Commissioner Dunlap and passed unanimously.

III. NEW BUSINESS

ITEM 1: The City of Bainbridge is considering text amendments to the Bainbridge Zoning Ordinance to make the definitions section more user friendly, adding a definition for micro distillery, adding micro distillery to the table 7.1 (Permitted and Conditional Uses for Commercial and Industrial Zoning Districts), and adding multiple family dwellings and Recreational vehicle parks as a conditional use in Light Industrial (LI) zoning.

Steve O'Neil started off by explaining his requests for the zoning ordinance to be organized into an alphabetical list to make it more use friendly, to add a definition of micro distillery, and to add multiple family dwellings and recreational vehicle parks as a conditional use in the light industrial zoning district. After more explanation and discussion Chairman Flowers called for a motion.

Commissioner Davis made a motion to accept the text amendment, seconded by Commissioner Marshall, and unanimously passed.

ITEM 2: CU-2021-0014: Applicant Max Bryant is requesting a conditional use in the Central Business District Zone (CBD) for a funeral home on the property located at 105 N. Florida St. The property is 0.66 acres.

Mr. Conder came forward and spoke on behalf of Max Bryant for the conditional use request at 105 N. Florida St. He began by explaining the reason for the conditional use request. He stated that after the certificate of appropriateness was issued, building plans were submitted and approved and the building permit was issued they immediately began work. He went on to say that after the work was about 95% finished he received a phone call from Chris Hobby with the City of Bainbridge stating that 105 Florida St. never had a conditional use. Mr. Conder stated that Mr. Hobby told him that it was a funeral home at one time but the zoning rules had changed and he needed to get a conditional use. Mr. Hobby contacted Mr. Conder and told him that the City would honor the assumed previously issued conditional use on the property. Mr. Conder stated that shortly after the funeral home opened he talked with his 2 business partners and had also spoken to Mr. Hobby and Mr. Steve O'Neil and they thought it would be good business practice to go ahead and apply for the conditional use and so they did. Chairman Flowers asked about parking navigation of vehicles and Mr. Conder stated that a parking plan was submitted to Mr. O'Neil and also engaged with Southwest GA Oil on a parking lot lease that is around the corner. He went on to explain the accommodation of vehicle parking and stated that the parking guidelines were fully met.

Commissioner Dunlap asked about the overflow parking lot lease agreement and for how long it is for. Mr. Conder said that is for one year with the ability to roll over. Commissioner Dunlap asked what if the property sells and Mr. Conder stated that in that case they wouldn't have it and they aren't required to have it anyhow since they meet the parking requirements as outlined in the zoning ordinance. Commissioner Dunlap stated that he was aware of the zoning requirements but asked about the parking for employees was in addition to the chapel requirements. Mr. O'Neil rehashed the ordinance requirements and restated that the applicant meets the currently adopted zoning ordinance parking requirements.

Commissioner McClendon asked Mr. Conder about the potential for traffic issues and parking issues throughout the day. Mr. Conder further stated that funeral homes generally park people and went on to state that the funeral home more than meets the parking requirements in his eyes.

Commissioner McClendon asked who the owners were and Mr. Conder stated that it was him as managing partner, and Glennie Bench and Edward Reynolds.

Chairman Flowers then asked if anyone was there to speak in favor of the request or in opposition of the request.

Alfreda Sheppard with Watson Spence LLP law firm came forward and stated that she was there representing Rollings Funeral Services. Here points are as follows:

1. Ms. Sheppard's first stated point was that her client believed that the funeral home had improperly been in business for several months now without having the commission's approval as required.
2. Her second point was that stated on page 3 of the conditional use application where it says "existing use of subject property" the response is "vacant commercial". She explained that her understanding was that Mr. Conder just said that the funeral home had been operating for several months.

3. Ms. Sheppard's client, on good faith belief, has been advised by other individuals in the community that the chapel that is claiming to hold 140 seats can actually hold upwards of 180 seats and that Bryant funeral home has made indications of such.
4. Ms. Sheppard claimed that a lease agreement for overflow parking with Southwest Georgia Oil had not been filed. As it relates to public parking, overflow parking must be within 800 ft and 1500 ft for properties zoned CBD. Parking must provide convenient and safe pedestrian access.

Mr. Bruce Kirbo Jr. elected to speak against the process of the conditional use application. Mr. Kirbo believes that this process has intentionally put the commission in the position of being "pawns" to something that had already been decided. Mr. Kirbo explained that the city was aware long ago that the parcel required a conditional use. Mr. Kirbo went on to explain that a process that allows this to happen is flawed process. He spoke with the proper officials with the city and they told him that no business would be operating there until a conditional use application had been made and approved. That apparently is not the way it really happened and he believed that, intentionally, by someone, the planning commission has been put in a situation. Mr. Kirbo asked that in the future in the Planning commission members are going to be used as "pawns" to use your voice to let whoever you're working for know that you're not going to be used as pawns. Mr. Kirbo questioned the parking plan and the locations of the handicap parking spaces. Mr. Kirbo stated that he was here just for "Bruce". Mr. Kirbo questioned the amount of seating as it relates to parking.

Mr. O'Neil gave his staff opinion stating first off that "we did gaffe". Staff assumed since this property previously had a funeral home in it in the early 1990's that it had a conditional use already in place. Extensive research was done and no record could be found of a conditional use in place or being applied for. Mr. O'Neil stated that what he assumes happened is that in the early 1990's, the City of Bainbridge was probably operating under the 1980 Bainbridge Zoning Ordinance which allowed funeral homes in the CBD as a permitted or "by-right" use and therefore no conditional use would have been needed at that time. Mr. O'Neil did not find a new zoning ordinance that would have been adopted between 1980 and 2007. Mr. Flowers suggested there was one from 1996 but staff did not have a copy of that. Mr. O'Neil stated that "we made a mistake and it certainly was not intentional". Mr. O'Neil further stated that if he had received this conditional use application a year prior, his recommendation would have been the same and that his recommendation is for approval. Commissioner Marshall asked how we can remedy and avoid this situation in the future.

Commissioner Dunlap asked about the addition parking and that we need to look at the parking mentioned that was within 1500 feet. Secondly, he questioned how many people the chapel can hold. Commissioner Dunlap attempted to make a motion to table the proceedings pending answers to the questions raised. Chairman Flowers interrupted and said that he had not called for a motion as they were still in the discussion phase he further explained the commissions options for a decision, those being deny it, approve it, or approve it with conditions that have to be addressed, namely overflow parking and how many seats the chapel can hold.

Commissioner McClendon made a motion to accept with stipulations. The stipulations being the parking parameters up to the 1500 ft. and the safe pedestrian travel from public parking to the property and an accurate seating count. The motion was seconded by Commissioner Marshall and the vote was unanimous for approval with conditions.

I. **Old Business:**

II. Mr. O'Neil reminded commissioners about the upcoming GAZA conference and that he would send out the finalized agenda once he receives it and asked if anyone was interested taking commissioner Wards seat at the conference. Mr. Marshall volunteered to utilize it if Commissioner Mackey (absent) was unable to go.

III. **Adjournment:** There being no more business, the meeting was adjourned.

Dr. Frank Flowers, Chairman

Proof

Client	CITY OF BAINBRIDGE DEVELOPMENT	Phone	(229) 400-9303
Address	STEVE O'NEIL PO BOX 158	E-Mail	
		Fax	
AD #	1294999	Requested By	CITY OF BAINBRIDGE DEVELOPMENT
Class	2610	PO #	STEVE O'NEIL
Start Date	08/18/21	Created By	BRITTANY.SCH
End Date	08/18/21	Creation Date	08/16/2021
Run Dates	2	Dimensions	1 X 6.444
Pubs	The Post-Searchlight, ThePostSearch-	Price	\$40.00
Order #	light.com 0		
Sales Rep	Brittany Schofield	Phone	
		E-Mail	brittany.schofield@shelbycountyreporter.com
		Fax	

PUBLIC NOTICE

**PUBLIC HEARING NOTICE
ZONING**

**Bainbridge –Decatur County
Planning Commission
Meeting**

**September 14th, 2021
6:00 P.M.**

City Hall Council Chambers

**City of Bainbridge City
Council Meeting**

**September 21st, 2021
6:30 P.M.**

City Hall Council Chambers

ITEM 1: The City of Bainbridge is considering text amendments to the Bainbridge Zoning Ordinance regarding Central Business District Ground Floor Residential in an effort to allow (under certain conditions) certain residential uses in the city's Central Business District Zoning classification.

ITEM 2: CU-21-004: Applicant AGK Investments is requesting a conditional use in the Urban Residential 6 Zone (UR-6) for a Short Term Rental on the property located at 705 Broughton St. The property is 0.32 acres.

ITEM 3: ZONE-21-003: Applicant Grace Christian Academy is requesting a zoning change from Urban Residential 6 (UR-6) to Institutional (INS) for the purpose of constructing athletic fields, associated parking and small support structures for the athletic fields. The property is located on Hwy 97 South (part of Parcel ID B0420045) and is 70.24 acres.

Please contact Community Development Director Steve O'Neil @ 229-248-2000 with any questions or comments.

The Post Searchlight:
Aug. 18, 2021

PUBLIC HEARING

Section 7.5.8- Central Business District Ground Floor Residential Uses.

Ground floor residential is prohibited in the city's central business zoning district except under the following circumstances:

1. In non-detached buildings; residential uses are only permitted above the ground floor unless a person has a physical (mobility) handicap significantly limiting their use of above ground floor building levels for residential purposes; in this case the occupant must be engaged in an on-site commercial endeavor; a minimum of 25% of the ground floor must be dedicated to the commercial use; the commercial activity shall be conducted in the front portion of the building only; and there shall be no visible evidence the ground floor is used for residential purposes.
2. In detached buildings, townhomes shall be allowed in the Central Business District if the following conditions are met:
 - The building must contain a minimum of three and a maximum of 5 townhomes.
 - The heated floor space of a downtown townhome shall be a minimum of 900 square feet.
 - The minimum lot size for a downtown townhome is 1/10 of an acre or 4356 square feet.
 - Only one building is allowed per lot.

Site	
Townhouse units per site:	3 min.
Townhouse units in a row:	5 max.
Fenestration	
Ground floor:	15% min.
Upper story:	15% min./35% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for units along street
Walkway width:	3 ft min./5 ft max.
Parking Location	
No on-site parking is allowed between the building and the street.	
Design	

No more than three adjacent units may have identical facade designs. Differentiation between adjacent units may be accomplished by a change in materials, building height, color, roof form, or setbacks.

3. Single family detached units are prohibited in the CBD.

7.5.9 Fenestration.

- A. Fenestration is the minimum percentage of window and door glass that must cover a facade.
- B. Glass used to satisfy fenestration requirements must be unpainted, must have a transparency (visible light transmission) higher than 70%, and must have an external reflectance of less than 15%. Transparency and external light reflectance must be established using the manufacturer's specifications.
- C. Fenestration is measured from the top of the finished floor to the top of the finished floor above.
- D. When there is no floor above, fenestration is measured from the top of the finished floor to the top of the wall plate.

Staff Recommendation

This is a text amendment that will essentially allow townhomes to be developed in the CBD. There are areas where this type of development is encouraged but zoning has always been the hang up. This zoning text amendment will help make residential townhomes an option as opposed to just retail/commercial on vacant lots.

Staff recommend approval.



P.O. Box 158
Bainbridge, Ga. 39818

www.bainbridgecity.com

Phone: 229-248-2000
Fax: 229-246-7311

APPLICATION #: CU-2021-0004

FEE: \$100.00

CONDITIONAL USE APPLICATION

NOTICE: State Law O.C.G.A. 36-66-4 requires, "a local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action at least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation, within the territorial boundaries of the local government, a notice of hearing."

Said notice shall state the time, place, and purpose of the hearing; therefore, applicants must submit their complete application, an application complying with the procedural requirements of the city's zoning ordinance and found to be complete with regard to application materials, payment of fees, supportive material and any other application requirements specified prior to the newspaper public notice advertising deadline date needed to fulfill the requirements of O.C.G.A. 36-66-4. The zoning administrator and/or his representative shall have at least 10 days prior to the advertising deadline date to determine whether an application is complete and eligible for advertisement. Applications submitted less than 10 days prior to the advertising deadline date are not guaranteed to be reviewed or included in the required advertising. Such applications shall be held until the next application cycle.

APPLICATION INFORMATION

APPLICANT(S): Natalie Kirbo for AGK Investments LLC
ADDRESS: 608 E. Broughton Street, Bainbridge
PHONE: (850)933-5305

PROPERTY INFORMATION

PROPERTY OWNER(S): Natalie Kirbo, AGK Inv. LLC
ADDRESS: 705 E. Broughton St. (+ 705A)
PHONE: (850)933-5305 ↑
LOCATION OF SUBJECT PROPERTY: _____

PROPERTY INFORMATION (continued)

TAX MAP: _____ PARCEL: B0330145 SIZE (ACRES): 0.5 total

B0330145A00

ZONING DESIGNATION OF SUBJECT PROPERTY: UR-L

PROPOSED USE OF PROPERTY (BRIEF): short-term rental property
(as opposed to current use as long-term
rental property.)

REQUIREMENTS FOR CONDITIONAL USE REQUESTS

Conditional use request applications *must* include the following:

1. APPLICATIONS REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.1) Page 5
2. PLAN REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.2) Page 5
3. ANALYSIS REQUIREMENTS (Forms provided on page 3)
(ZONING ORDINANCE TABLE 14.2.3) Page 6

<p><u>Natalie King</u> Property Owner Signature</p> <p><u>7/22/21</u> Date</p>	<p><u>Natalie King</u> Submitted By:</p> <p><u>7/22/21</u> Date</p>
--	---

DEPARTMENT USE ONLY

SUBMITTAL DATE: _____ DATE CERTIFIED COMPLETE: _____

Department Representative Signature

CONDITIONAL USE APPLICATION

TABLE 14.2.3
ANALYSIS REQUIREMENTS

1. Existing use(s) of subject property: residential; long term rental
2. Existing zoning of property contiguous with or located within 100 feet of subject property: _____
UR-6 residential + one short term rental
3. Does the proposed conditional use request permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)? Yes No
Explain: owner currently operates a short term rental across the street, which has been suitable
4. Will the proposed conditional use result in a use which could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools? Yes No
Explain: guests are very short term, small groups, with minimal use of infrastructure.
5. Is the proposed conditional use in conformity with the policy and intent of the comprehensive plan* including use element? Yes No
6. Are there other existing or changing conditions affecting the use and development of property which give supporting grounds for either approval or disapproval of the proposal? Yes No
7. Does the property to be affected by the proposed conditional use have a reasonable economic use as currently zoned? Yes No

*A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the City Hall map room and on the city's website at www.bainbridgecit.com.

CONFLICT OF INTEREST IN ZONING DECISIONS
CAMPAIGN CONTRIBUTIONS

36-67A-3.

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing: (1) The name and official position of the local government official to whom the campaign contribution was made; and (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the Respective local government showing:

The name and official position of the local government official to whom the campaign contribution was made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

I CERTIFY THAT ALL STATEMENTS FURNISHED IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE AND I AM AWARE OF THE PROVISIONS CONTAINED IN O.C.G.A. 36-67A-3.

Property Owner(s) Signature: <u>Natalie Kish</u>
Address: <u>1608 E. Broughton St Bainbridge GA</u>

PUBLIC HEARING DATES

DATE OF PLANNING COMMISSION MEETING: 9/14/21 @ 6:00 p.m.

DATE OF CITY COUNCIL MEETING: 9/21/21 @ 6:30 p.m.

*Planning Commission meetings are held at 6:00 p.m. at City Hall in the City Council Chambers.
City Council meetings are held at 6:30 p.m. at City Hall in the City Council Chambers.*

Summary

Parcel Number B0330145
 Location Address 705 BROUGHTON ST
 Legal Description 165 227 705 BROUGHTON ST
[Note: Not to be used on legal documents]
 Class R3-Residential
[Note: This is for tax purposes only. Not to be used for zoning.]
 Tax District Bainbridge (District 02)
 Millage Rate 33.449
 Acres 0.32
 Homestead Exemption No (S0)
 Landlot/District N/A



Owner

SMITH BETTY JANE F
 1163 HUBBARD RD
 NEWTON, AL 36352-8837

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	FF-RES: 70.00	Front Feet	13,775	95	145	0.32	0

Residential Improvement Information

Style One Family
 Heated Square Feet 1313
 Interior Walls Sheetrock
 Exterior Walls Vinyl Siding
 Foundation Piers
 Attic Square Feet 300 - 100% Finished
 Basement Square Feet 0
 Year Built 1945
 Roof Type Galvanized Metal
 Flooring Type Pine
 Heating Type CH AC
 Number Of Rooms 0
 Number Of Bedrooms 0
 Number Of Full Bathrooms 1
 Number Of Half Bathrooms 0
 Number Of Plumbing Extras 0
 Value \$40,612
 Condition Average
 House Address 705 BROUGHTON

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
GARAGE	1900	19x43 / 0	1	\$400

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/13/2004	165 227		50	Unqualified - Improved		SMITH BETTY JANE F
4/8/1974	D10 127		\$15,000	Unqualified Sale		SMITH WILLIAM E & BETTY

Valuation

**2021 Year Values are Working Values*

	2021	2020	2019	2018	2017
Previous Value	\$47,574	\$45,390	\$45,390	\$48,357	\$48,357
Land Value	\$6,562	\$6,562	\$6,562	\$6,562	\$6,584
+ Improvement Value	\$51,750	\$40,612	\$38,428	\$38,428	\$41,223
+ Accessory Value	\$327	\$400	\$400	\$400	\$550
= Current Value	\$58,639	\$47,574	\$45,390	\$45,390	\$48,357

Area Sales Report

Sale date range:

From: 07/29/2018 To: 07/29/2021

1500 Feet

Photos

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Application Requirement	Conditional Use
Application fee as established by resolution	Required - \$100.00
Application form furnished by the zoning administrator, including the applicant's signature and the property owner's signature	Required <i>CONDITIONAL USE APPLICATION</i>
Legal description of the property	Required
A survey plat of the property prepared by a registered land surveyor or, if the property is recorded on an existing plat in the land records of Decatur County, a copy of the correct county tax map found in the current tax mapping system of the county	Required
Letter of intent describing the proposed use of the property and/or other action requested	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 14.2.8, "Plan Requirements")	Required
Description of efforts of any special conditions voluntarily made a part of the request	Required
Other information required by the zoning administrator	Maybe

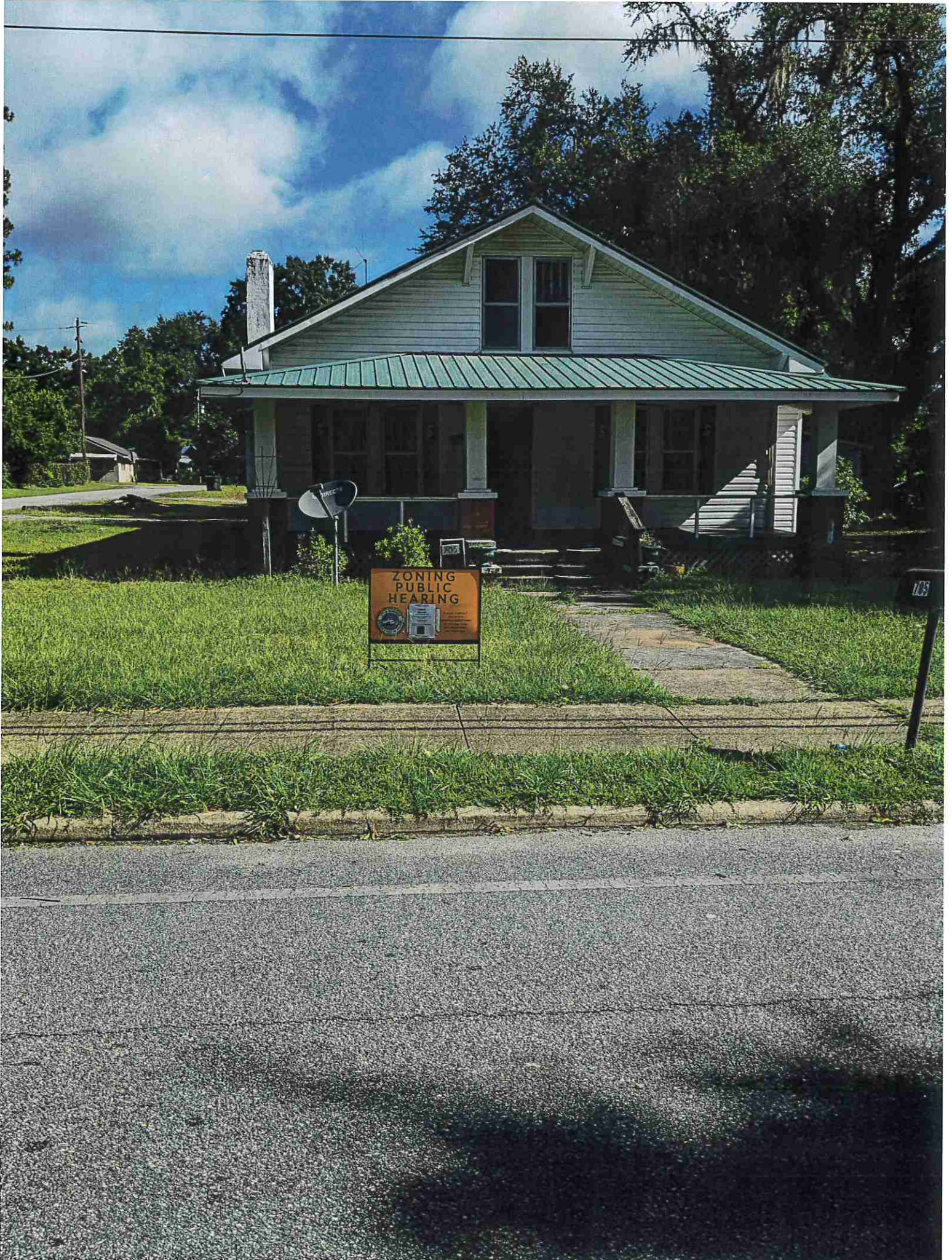
**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Site Plan Requirement	Conditional Use
Footprints of existing and proposed buildings and structures	Required
Dimensions and locations of parking areas including internal circulation and driveway approaches	Required
Tree protection survey (if applicable)	Maybe
Dimensions and general location of any landscaping and/or buffers (if applicable)	Required
Preliminary drainage plans (if applicable)	Required
Method of water supply and sewage disposal if not available on-site (if applicable)	Required
Dimensional requirements by zoning district	Required
Specific use provisions (if applicable)	Required
General dimensional provisions (if applicable)	Required
General development requirements (if applicable)	Required
Application requirements (if applicable)	Required
Other Information as required by the Zoning Administrator	Maybe

**TABLE 14.2.3
ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application for Conditional Use
1. Existing use(s) and zoning of subject property	Required
2. Existing zoning of nearby property	Required
3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Maybe
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element ***	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required
7. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required

*** A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the map room at City Hall.



ZONING
PUBLIC
HEARING

123

BAINBRIDGE-DECATUR

PLANNING COMMISSION

Staff Analysis

DATE: August 30th, 2021

TO: Bainbridge-Decatur County Planning Commission, Mayor and City Council

FROM: Steve O'Neil, Community and Economic Development Director

SUBJECT: CU-2021-004

ITEM: CU-2021-004: Applicant Natalie Kirbo (AGK Investments, LLC) is requesting permission for a conditional use to convert a residential structure at the property located at 705 Broughton St to a Short Term Rental (AirBnB).

Conditional use: A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Governing Body within that particular zoning district as provided in certain instances by this zoning ordinance. An approved conditional use runs with the property.-City of Bainbridge, GA, Zoning Ordinance.

CURRENT ZONING: (UR-6) Urban Residential 6



Section 6.4.1. Purpose and Intent.

UR-6 districts are intended to establish low-density urban residential neighborhoods comprised of predominantly detached single-family dwellings (not including mobile or manufactured homes). These districts are served by public water sanitary sewer and service.

BAINBRIDGE-DECATUR

PLANNING COMMISSION

FUTURE LAND USE DESIGNATION: Residential (Urban Low Density)

Analysis

The applicant's request to rehabilitate a residential structure and utilize it as a short term rental is in conformity with the goals and policies of the City of Bainbridge Comprehensive Plan. The City generally encourages preserving structures instead of tearing them down. The short term rental will be subject to hotel/motel tax. Adequate space for parking exists. As you may remember this house has just suffered a house fire and the applicants goal is to fix it back up.

Recommendation

Planning Staff recommend approval of the applicants conditional use request to rehabilitate a residential structure and to operate a short term rental facility at 705 Broughton Street.



Truth In Excellence

GRACE CHRISTIAN ACADEMY

1302 Lake Douglas Road
Bainbridge, Georgia 39819
Phone 229-243-8851/Fax 229-243-0515

August 5, 2021

City of Bainbridge—Planning and Zoning
PO Box 158
Bainbridge, GA 39818

Attn: Mr. Steve O'Neil

RE: Former Adams Tract, Hwy 97 South
Letter of Intent

Mr. O'Neil:

Grace Christian Academy is the Owner of 70.24 acres located on Highway 97 South, across from Burgundy Timber Company. The purpose of this letter is to address the intent of use for that property as required by the Zoning Change Application that we are filing.

GCA intends to construct athletic fields in the near future on the property. Plans currently call for a baseball field as well as a football/soccer field if fundraising will allow. Associated with this effort we will install parking areas and a driveway to access the parking. While not immediately planned, we hope in the future to be able to construct some small structures to support athletic activities such as a concession stand and/or a field house for lawn maintenance equipment.

Please let us know if you have any questions regarding the intended use of the property.

Sincerely,

Cile Warr
Executive Director



P.O. Box 158
Bainbridge, Ga. 39818

www.bainbridgecity.com

Phone: 229-248-2000
Fax: 229-246-7311

APPLICATION #: _____

FEE: \$100.00

ZONING CHANGE APPLICATION

WE, the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Map of the City of Bainbridge as hereinafter requested. In support of this application the following facts are submitted:

APPLICANT(S): Grace Christian Academy

ADDRESS: 1302 Lake Douglas Road, Bainbridge, GA 39819

PHONE NUMBER(S): 229-243-8851

NOTICE: State Law O.C.G.A. 36-66-4 requires, "a local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action at least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation, within the territorial boundaries of the local government, a notice of hearing."

Said notice shall state the time, place, and purpose of the hearing; therefore, applicants must submit then **complete** application, an application complying with the procedural requirements of the city's zoning ordinance and found to be complete with regard to application materials, payment of fees, supportive material and any other application requirements specified prior to the newspaper public notice advertising deadline date needed to fulfill the requirements of O.C.G.A. 36-66-4. The zoning administrator and/or his representative *shall have at least 10 days prior to the advertising deadline date to determine whether an application is complete and eligible for advertisement. Applications submitted less than 10 days prior to the advertising deadline date are not guaranteed to be reviewed or included in the required advertising. Such applications shall be held until the next application cycle.*

INFORMATION ON PROPERTY DESIRED TO BE ZONED:

STREET ADDRESS: GA Highway 97 South

TAX MAP PAGE: B42-45

PARCEL: Land lots 282 and 319/20th L.D.

SUBDIVISION (IF APPLICABLE): N/A

FRONTAGE: +/-2170'

DEPTH: +/-2103'

ACRES: 70.24

PRESENT ZONING OF PROPERTY: UR-6

PRESENT USE OF PROPERTY: Agriculture and Timber

PROPOSED ZONING OF PROPERTY: INS

PROPOSED USE OF PROPERTY: School(K-12, predominately HS/MS) Athletic fields(baseball, football/ soccer) and supporting appurtenances

ZONING CHANGE REQUIREMENTS:

Zoning change applications *must* include the following:

- 1. APPLICATIONS REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.1) Page 5
- 2. PLAN REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.2) Page 5
- 3. ANALYSIS REQUIREMENTS (Forms provided on page 3)
(ZONING ORDINANCE TABLE 14.2.3) Page 6

OWNERSHIP INFORMATION:

THE FOLLOWING ARE ALL OF THE PERSONS, FIRMS, OR CORPORATIONS OWNING PROPERTY INCLUDED WITHIN THE AREA DESIRED FOR ZONING CHANGE:

NAME:

MAILING ADDRESS:

Grace Christian Academy, Inc.

1302 Lake Douglas Road, Bainbridge 39819

TIME SCHEDULE FOR DEVELOPMENT:

Current intent is to begin erosion control measures and rough grading on/about September 20th, 2021.

DEPARTMENT USE ONLY

SUBMITTAL DATE: _____

DATE CERTIFIED COMPLETE: _____

Department Representative Signature: _____

ZONING CHANGE APPLICATION

TABLE 14.2.3 - ANALYSIS REQUIREMENTS

1. Existing zoning of property contiguous with or located within 100 feet of subject property:
To West--INS; To North--LI; To East--LI; To South--UR-9
2. Does the proposed zoning change request permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)? Yes No
Explain: Property adjacent to the west is currently INS and north is LI.
3. Will the proposed zone change result in a use which could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools? Yes No
Explain: Fields will be used during the evenings, when commercial traffic is lighter.
4. Is the proposed zoning change in conformity with the policy and intent of the comprehensive plan* including use element? Yes No
5. Are there other existing or changing conditions affecting the use and development of property which give supporting grounds for either approval or disapproval of the proposal? Yes No
6. Length of time the property has been vacant or unused as currently zoned? Currently in
row crop cultivation, research of historical aerials show it has been cultivated since 1985. Likely
that is has never been truly used as medium density residential.
7. Does the property to be affected by the proposed conditional use have a reasonable economic use as currently zoned? Yes No
8. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification: Previous property owner
has rented the land to row crop farmers. GCA just took possession of the property via
gift from the previous owners.
9. Does the proposed zoning change create a possible isolated zoning district unrelated to adjacent and nearby districts? Yes No

*A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the City Hall map room and on the city's website at www.bainbridgecit.com.

CONFLICT OF INTEREST IN ZONING DECISIONS
CAMPAIGN CONTRIBUTIONS

36-67A-3.

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing: (1) The name and official position of the local government official to whom the campaign contribution was made; and (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the Respective local government showing:

The name and official position of the local government official to whom the campaign contribution was made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

I CERTIFY THAT ALL STATEMENTS FURNISHED IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE AND I AM AWARE OF THE PROVISIONS CONTAINED IN O.C.G.A. 36-67A-3.

Property Owner(s) Signature: _____



School Board Chairman _____

PUBLIC HEARING DATES

DATE OF PLANNING COMMISSION MEETING: _____ @ 6:00 p.m.

DATE OF CITY COUNCIL MEETING: _____ @ 6:30 p.m.

*Planning Commission meetings are held at 6:00 p.m. at City Hall in the City Council Chambers located upstairs.
City Council meetings are held at 6:30 p.m. at City Hall in the City Council Chambers located upstairs.*

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Application Requirement	Amendment to Official Zoning Map
Application fee as established by resolution	Required - \$100.00
Application form furnished by the zoning administrator, including the applicant's signature and the property owner's signature	Required <i>CONDITIONAL USE APPLICATION</i>
Legal description of the property	Required
A survey plat of the property prepared by a registered land surveyor or, if the property is recorded on an existing plat in the land records of Decatur County, a copy of the correct county tax map found in the current tax mapping system of the county	Required
Letter of intent describing the proposed use of the property and/or other action requested	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 14.2.8, "Plan Requirements")	Required
Description of efforts of any special conditions voluntarily made a part of the request	Required
Other information required by the zoning administrator	Maybe

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Site Plan Requirement	Amendment to Official Zoning Map
Footprints of existing and proposed buildings and structures	Required
Dimensions and locations of parking areas including internal circulation and driveway approaches	Required
Tree protection survey (if applicable)	Maybe
Dimensions and general location of any landscaping and/or buffers (if applicable)	Required
Preliminary drainage plans (if applicable)	Required
Method of water supply and sewage disposal if not available on-site (if applicable)	Required
Dimensional requirements by zoning district	Required
Specific use provisions (if applicable)	Required
General dimensional provisions (if applicable)	Required
General development requirements (if applicable)	Required
Application requirements (if applicable)	Required
Other Information as required by the Zoning Administrator	Maybe

**TABLE 14.2.3
ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Zoning Map
1. Existing use(s) and zoning of subject property	Required
2. Existing zoning of nearby property	Required
3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Maybe
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element ***	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required
7. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required

*** A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the map room at City Hall.

Grace Christian Academy, Inc.

All that certain 70.24 acres lying and being in Land Lots 282 and 319 in the 20th Land District of Decatur County, Georgia, and in the City of Bainbridge, described as beginning at an iron pin found at the intersection of the west land lot line of Lot 282 with the southeast right of way line of S.R. 97 (Faceville Highway) and run South 01 degrees 15 minutes 20 seconds East along said west land lot line 335.02 feet to an iron pin set, then South 88 degrees 44 minutes 40 seconds West 296.51 feet into Land Lot 319 to an iron pin, then South 01 degree 13 minutes 10 seconds East 648.04 feet to an iron pin, then North 89 degrees 16 minutes 05 seconds East 2,147.32 feet through a series of six iron pins to an iron pin set in Land Lot 282, then North 00 degrees 43 minutes 20 seconds West 2,103.12 feet through a series of six iron pins to an iron pin found on the southeast right of way of S.R. 97 (Faceville Highway), then South 58 degrees 15 minutes 40 seconds West along said right of way 2,170.02 feet to the point of beginning.

Being Tract 1 of a plat of survey for Leroy Adams & Z. A. Adams, Jr. prepared October 6, 1993 by Leroy Ouzts, GRLS #1654, recorded June 16, 2021 on Plat Book C124, page 31 of the plat records of the Clerk of Decatur County Superior Court.

Being a part of the property deeded to Leroy Adams and Z. A. Adams, Jr. by warranty deeds from Thomas W. Miller, Jr. and Patsy E. Baxley et al. recorded April 1, 1993, in Deed Book P-17, pages 235-238 and pages 239-243, Land Records of Decatur County. And further being all of the property described in those deeds which lies southeast of S.R. 97 (Faceville Highway). Being bounded on the north by S.R. 97 (Faceville Highway), on the east by property of Edward T. Mitchell and Krog Prime Land Holdings LLC, on the south by Avenue A, and on the west by the Hospital Authority and supposedly Jon Wayne Properties LLC.

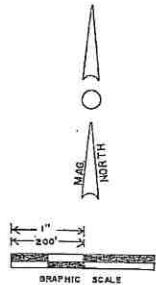
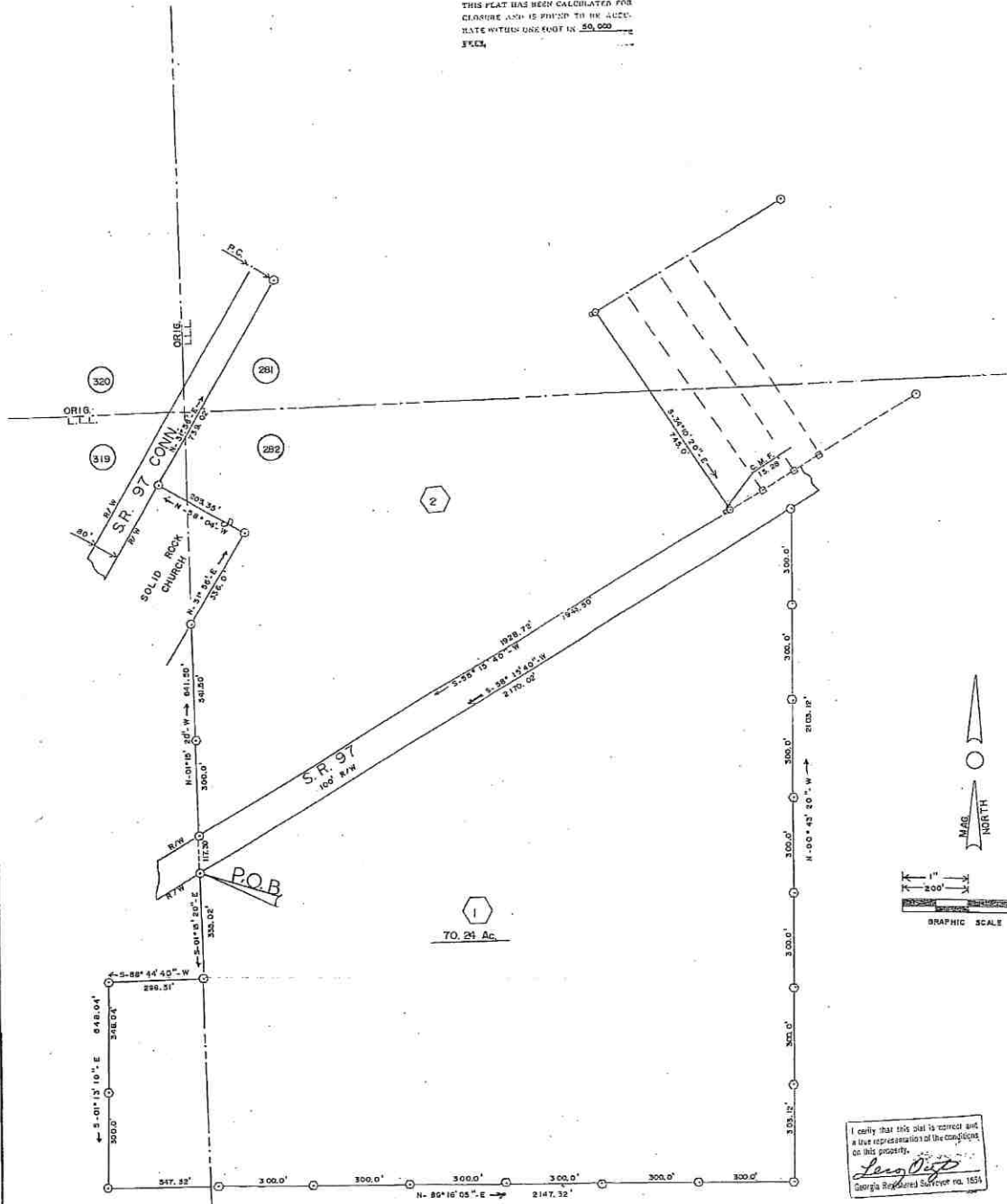
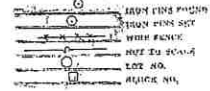
(For information only: being a part of Tax Map B42-45)

Z:\TITLES\G\G128 desc.wpd

NOTE:
TO MY KNOWLEDGE THIS PROPERTY IS
NOT IN A FLOOD ZONE, AND THE COUN-
TY RECORDS DOES NOT HAVE ANY DATA
WHICH SHOW ANY DIFFERENCE TO BE
EMINENT.

THE FIELD DATA UPON WHICH THIS
PLAT IS BASED HAS A CLOSURE PER-
CENTAGE OF ONE FOOT IN 50,000
FEET AND AN ANGULAR ERROR OF
4 MIN. FOR ANGLE POINT, AND
WAS ADJUSTED USING THE COGNATE
RULE.

THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE AND IS FOUND TO BE ACCU-
RATE WITHIN ONE FOOT IN 50,000
FEET.



I certify that this plat is correct and
a true representation of the complete
on this property.
Leroy Adams
Georgia Registered Surveyor no. 1654



SURVEY FOR LEROY ADAMS & Z.A. ADAMS, JR.	
SCALE: 1" = 200'	REVISED
DATE: 10-8-1995	CHECKED BY: U. O.
L.L.'s 282 & 319	
20th DIST	
BAINBRIDGE, DECATUR CO., GA	
SURVEYOR: <i>Leroy Adams</i>	SUR. LIC. 1654

NEW ATHLETICS COMPLEX

GRACE CHRISTIAN ACADEMY
ROY & Z.A. ADAMS TRACT
BAINBRIDGE, GA.



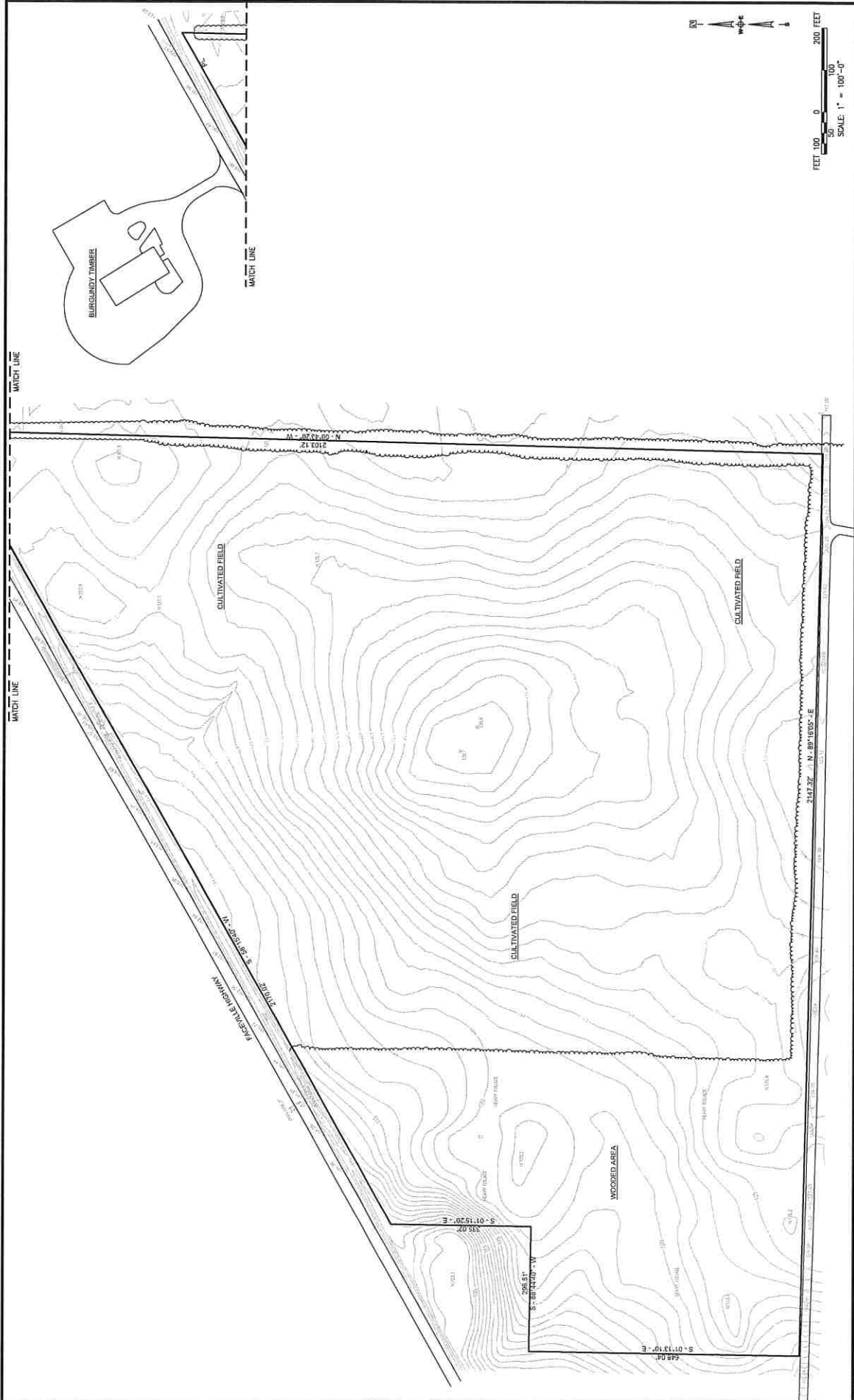
ZONING CHANGE PLAN SET 8/5/2021

VICINITY MAP
N.T.S.



DESIGN/BUILDERS:





BATES
 ENGINEERS/CONTRACTORS, INC.
 215 AIRPORT ROAD
 WASHINGTON, D.C. 20007
 (202) 248-4312 FAX: (202) 248-8595

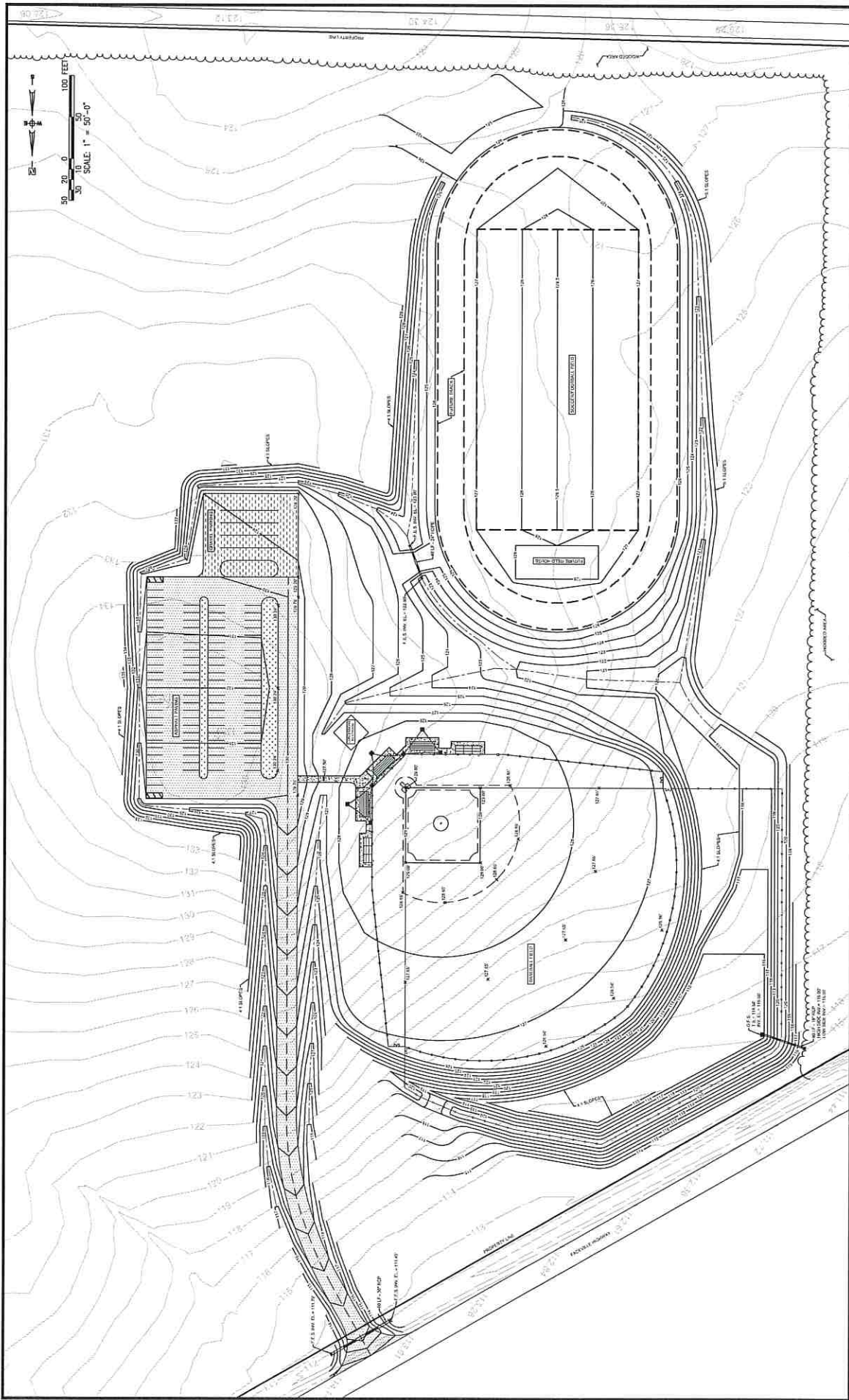
Project No. 7/2021
 Date: 7/2021
 Drawn By: [Blank]
 Checked By: [Blank]
 Sheet No. C-100

EXISTING SITE PLAN

Project: GRACE CHRISTIAN ACADEMY
 NEW ATHLETICS COMPLEX
 ROY & Z.A. ADAMS TRACT

No.	Date	Description	Rev.	Date	Description
A	7/2021	INIT. DESIGN			

Notes:



Notes:

No.	Date	Description	Revisions	No.	Date	Description
A	1/29/21	INITIAL DESIGN				

Project: GRACE CHRISTIAN ACADEMY
NEW ATHLETICS COMPLEX
ROY & Z.A. ADAMS TRACT

Title: SITE GRADING PLAN

BATES
ENGINEERS/CONTRACTORS, INC.
2115 AIRPORT ROAD
SALEM, VA 24153
(252) 248-2474 FAX (252) 244-8898

Sheet No. **C-102**

Project No. 210201
Date: 1/29/21
Drawn By: [Blank]
Checked By: [Blank]



BAINBRIDGE-DECATUR

PLANNING COMMISSION

Staff Analysis

DATE: August 30, 2021

TO: Bainbridge-Decatur County Planning Commission

FROM: Steve O'Neil, Planning Director

SUBJECT: ZONE-2021-002

ITEM 1: ZONE-2021-003: Applicant Grace Christian Academy is requesting a zoning change from Urban Residential 6 (UR-6) to Institutional (INS) for the purpose of constructing athletic fields, associated parking and small support structures for the athletic fields. The property is located on Hwy 97 South (part of Parcel ID B0420045) and is 70.24 acres.

CURRENT ZONING: Urban Residential 6 (UR-6)

REQUESTED ZONING: Institutional (INS)

FUTURE LAND USE DESIGNATION: Urban Medium Residential

ANALYSIS:

1. Existing Uses and Zoning of subject property:

Urban Residential 6 (UR-6).

2. Existing zoning of nearby property: The property is surrounded by UR-9, LI and INS.

3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use):

The proposal for school athletic fields is an acceptable use in the current location and should not impact the surrounding properties.



4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools: The proposed development will likely cause an increase of traffic along Faceville Highway. The DOT has reviewed the proposed plans and found that, as presented, the current ingress and egress will be fine but if they expand further, modifications to the roadway would need to be re-evaluated.

BAINBRIDGE-DECATUR

PLANNING COMMISSION

- 5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element:** The proposal is in conformity with the policy and intent of the comprehensive plan and land use element.
- 6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal:** None noted
- 7. Length of time the property has been vacant or unused as currently zoned:** Unknown.
- 8. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned:** The property has reasonable economic return as currently zoned.
- 9. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification:** Unknown
- 10. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts:** No.

RECOMMENDATION: The proposed location for the Grace Christian Academy ball fields is an excellent location given its proximity to the bypass. Water and sewer are available to the site. Staff recommend approval of the proposed rezoning of the property to institutional for the purpose of developing Grace Christian Academy ball fields.

August 18, 2021

Re: Three Dog Enterprises, LLC

Dear City of Bainbridge,

The intent of this letter is to confirm that Three Dog Enterprises, LLC has funds available to them in excess of \$81,250. They have a revolving line of credit with funds available in excess of \$81,250, the three principals of Three dog Enterprises, LLC have cash accounts with balances exceeding \$81,250. These funds are free of encumbrance, clear and non-criminal in origin. The funds are available for use at their discretion and they are available for immediate transfer.

Should Three Dog Enterprises, LLC elect to finance the purchase of the property, First Port City Bank would be pleased to finance the full purchase price for them in the amount of \$81,250. Three Dog Enterprises, LLC and its principals are exemplary customers of the bank and we welcome the opportunity to provide financing for them.

Please contact me with any questions or if I may be of further assistance to you.

Best regards,



Nancy S. Jernigan
EVP/CLO



BID TABULATION

September 08, 2021

SIGNS, POST AND BRACKETS

COMPANY

Vulcan Signs – Foley, AL

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL BID PRICE</u>
1,499	6" wide street name signs	\$30.57	\$ 45,824.43
385	9" wide street name signs	\$44.23	\$ 17,028.55
1,319	Regulatory signs		\$ 47,216.85
1,500	Post breakaway system	\$83.47	\$125,205.00
	Brackets		\$ 18,783.00
		GRAND TOTAL	\$254,057.83

DELIVERY: 30 days after receipt of order.

ALL ITEMS F.O.B. BANINBRIDGE

COMPANY

MD Solutions – Plain City, OH

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL BID PRICE</u>
1,499	6" wide street name signs	\$22.44	\$ 33,637.56
385	9" wide street name signs	\$44.49	\$ 17,128.65
1,319	Regulatory signs		\$ 41,305.05
1,500	Post breakaway system	\$100.92	\$151,380.00
	Brackets		\$ 12,585.00
		GRAND TOTAL	\$256,081.26

DELIVERY: 45 - 60 days after receipt of order.

ALL ITEMS F.O.B. BANINBRIDGE

COMPANY

Lightle Enterprises – Frankforth, OH

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL BID PRICE</u>
1,499	6" wide street name signs	\$35.393	\$ 53,054.11
385	9" wide street name signs	\$68.90	\$ 26,526.50
1,319	Regulatory signs		\$ 50,556.06
1,500	Post breakaway system	\$105.50	\$158,250.00
	Brackets		\$ 16,950.00
		GRAND TOTAL	\$305,336.67

DELIVERY: 60 - 120 days after receipt of order.
ALL ITEMS F.O.B. BANINBRIDGE

COMPANY

Garden State Highway Products – Millville, NJ

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL BID PRICE</u>
1,499	6" wide street name signs	\$20.399	\$ 30,578.10
385	9" wide street name signs	\$33.385	\$ 12,853.23
1,319	Regulatory signs		\$ 49,356.31
1,500	Post breakaway system	\$158.38	\$237,567.00
	Brackets		\$ 17,575.40
		GRAND TOTAL	\$347,930.04

DELIVERY: 60 - 75 days after receipt of order.
ALL ITEMS F.O.B. BANINBRIDGE

COMPANY

United Signs – Norcross, GA

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL BID PRICE</u>
1,499	6" wide street name signs	\$31.13	\$ 46,663.87
385	9" wide street name signs	\$56.32	\$ 21,683.20
1,319	Regulatory signs		\$140,182.61
1,500	Post breakaway system	\$145.23	\$217,845.00
	Brackets		\$ 32,346.00
		GRAND TOTAL	\$458,720.68

DELIVERY: 45 days after receipt of order.
ALL ITEMS F.O.B. BANINBRIDGE

Street 327-0000-54.1435

VENDORS THAT NO BID

Quality Signs - Bainbridge, GA

Newman Signs – Jamestown, ND

Award to be made to:

Vulcan Signs

Foley, AL