



Hart County Board of Commissioners  
Tuesday January 24, 2023  
6:00 p.m.

Emergency Services and Administration Building

1. PRAYER
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
  - Election of Officers 2023
4. WELCOME
5. APPROVE AGENDA
6. APPROVE MINUTES OF PREVIOUS MEETING(S)
  - 01/10/2023 Regular Meeting
  - 12/29/2022 Called meeting
  - 01/11/2023 Emergency Called Meeting
7. REMARKS BY INVITED GUESTS, COMMITTEES, AUTHORITIES
8. REPORTS BY CONSTITUTIONAL OFFICERS & DEPARTMENT HEADS
9. COUNTY ADMINISTRATOR'S REPORT
10. CHAIRMAN'S REPORT
11. COMMISSIONERS' REPORTS
12. OLD BUSINESS
  - a) Ordinance Establishing a County Marshal's Office (Code Enforcement) (2nd Reading)
  - b) FY23 LMIG Road List for Grant Application
  - c) Abandonment of end portion of Seawright Lane
13. NEW BUSINESS
  - a) Redistricting Discussion
  - b) Credit for Experience Tax Assessors Office
  - c) Acceptance of FY23 Trauma Commission Grant (EMS)
  - d) Intersection of Reed Creek School Road and New Prospect Road (possible traffic study)
14. PUBLIC COMMENT
15. EXECUTIVE SESSION – Litigation
16. ADJOURNMENT

Hart County Board of Commissioners  
January 10, 2023  
6:00 p.m.

Hart County Board of Commissioners met January 10, 2023 at 6:00 p.m. at Hart County Administrative & Emergency Services Center.

Chairman Marshall Sayer presided with Commissioner Michael Bennett, Frankie Teasley, Jeff Brown and Joey Dorsey in attendance.

1. Prayer

Prayer was offered by Chairman Sayer.

2. Pledge of Allegiance

Everyone stood in observance of the Pledge of Allegiance.

3. Call to Order  
Election of Officers 2023

Commissioner Dorsey moved to nominate Commissioner Sayer to serve as the Chairman. Commissioner Bennett provided a second to the motion. The motion carried 4-0 (Commissioner Sayer abstained).

Chairman Sayer moved to nominate Commissioner Dorsey to serve as the Vice-Chairman. Commissioner Teasley provided a second to the motion. The motion carried 4-0 (Commissioner Dorsey abstained).

Chairman Sayer moved to nominate Commissioner Dorsey to serve as an alternate on Industrial Building Authority. Commissioner Bennett provided a second to the motion. The motion carried 5-0.

Chairman Sayer called the meeting to order.

4. Welcome

Chairman Sayer welcomed those in attendance.

5. Approve Agenda

Commissioner Dorsey moved to amend and approve the agenda to move Executive Session – Litigation to item 6; add item 13 d) Board of Elections Request Credit for experience. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

6. Executive Session – Litigation

Commissioner Dorsey moved to exit into Executive Session to discuss litigation matters. Commissioner Brown provided a second to the motion. The motion carried 5-0.

Commissioner Teasley moved to exit Executive Session and reconvene the regular meeting. Commissioner Bennett provided a second to the motion. The motion carried 5-0.

7. Approve Minutes of Previous Meeting(s)  
• 12/13/2022 Regular Meeting

Commissioner Teasley moved to approve the minutes of December 13, 2022 regular meeting. Commissioner Brown provided a second to the motion. The motion carried 5-0.

8. Remarks By Invited Guests, Committees, Authorities  
None

9. Reports By Constitutional Officers & Department Heads

Attorney Kim Wilkerson presented the BOC with a settlement check of \$83,864.58 through the Janssen Settlement Agreement involving prescription opioids; she explained there will be additional funds through the litigation case available.

Commissioner Dorsey moved to apply for additional settlement funds. Commissioner Brown provided a second to the motion. The motion carried 5-0.

10. County Administrator's Report  
December 2022 Financial Report

County Administrator Terrell Partain presented General Fund Financial Report for the month of December; he introduced new hire Code Enforcement Officer Jud Turpin.

11. Chairman's Report  
None

12. Commissioners' Reports

Commissioner Bennett offered condolences to the family of Virgil Kay.

Commissioner Dorsey requested a meeting with Department of Corrections officials concerning work details for Hart County from Whitworth Parole Center; reported Highway 29 S will be closed for bridge replacement past Akins-Lunsford Road; request additional funds from DOT for alternate roads that will be heavily traveled during the bridge replacement project; and enforce no thru truck traffic on the designated roads in the area.

13. Old Business  
a) Legacy Link FY23 Contract amendment

Commissioner Dorsey moved to approve Legacy Link FY23 contract amendment. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

b) Sunday sale of Distilled Spirits Ordinance (3<sup>rd</sup> and final Reading)

Commissioner Bennett moved to adopt the 3<sup>rd</sup> and final reading for Sunday Sale of Distilled Spirits Ordinance. Commissioner Brown provided a second to the motion. The motion carried 5-0.

c) Beer and Wine Ordinance revision (election day sales) (3<sup>rd</sup> and final Reading)

Commissioner Teasley moved to adopt the 3<sup>rd</sup> and final reading Beer & Wine Ordinance revision. Commissioner Bennett provided a second to the motion. The motion carried 5-0.

d) Bid Award Road Department Sidearm Tractor

Commissioner Bennett moved to approve the recommendation from Road Superintendent Shannon Teasley and Administrator Terrell Partain to purchase Massey Ferguson 6S.145 tractor



and diamond with 50" mower rotary head/additional grinding head cutter. Commissioner Dorsey provided a second to the motion. The motion carried 5-0.

e) FY23 LMIG Road List for Grant Application

County Administrator Partain explained the cost for road repaving has increased 67% and suggested resubmit the existing list of roads for the FY23 grant cycle.

Consensus of the Board was to meet and ride roads February 4, 2023 @ 1:00 p.m. to decide which roads on the list can be removed in order to bring costs within range of available grant funds.

David Thompson asked the Board to consider adding Sardis Point Road to the LMIG list for 2023.

f) City of Hartwell Annexation of Parcels C70C 002, I70F 009, 170J 001-002

Chairman Sayer announced the BOC will hold an Emergency Called Meeting January 11, 2023 at 4:30 p.m. concerning the annexation request.

Commissioner Brown commended Chairman Sayer and Commissioner Dorsey for time spent with open communication with City of Hartwell officials concerning the proposed annexation.

Commissioner Dorsey stated annexation rules are set in Atlanta; it's a difficult process when the City holds control over annexation; the losers are the taxpayers.

14. New Business

a) Ordinance Establishing a County Marshal's Office (Code Enforcement) (1<sup>st</sup> Reading)

Commissioner Bennett moved to accept the 1<sup>st</sup> reading Ordinance Establishing a County Marshal office. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

b) Paynes Creek Park Rules Updates

Commissioner Brown moved to adopt Paynes Creek Park Rules Updates as presented. Chairman Sayer provided a second to the motion. The motion carried 5-0.

c) County Boards positions advertisements for 2023

Commissioner Dorsey moved to direct staff to advertise the various board positions for 2023. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

d) Board of Elections Request Credit for Experience

Commissioner Dorsey moved to grant two years credit for experience for new hire Lacy Brown retro to hire date. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

15. Public Comment

Nancy Evans approached the BOC concerning paving Heath Cove, Wren Road and Heath Landing.

Chairman Sayer and Commissioner Dorsey explained the county does not have funds to pave roads.

Henry Kesler thanked the BOC for their efforts during the proposed annexation project.

16. Adjournment

Commissioner Brown moved to adjourn the meeting. Commissioner Dorsey provided a second to the motion. The motion carried 5-0.

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Marshall Sayer, Chairman

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Lawana Kahn, County Clerk

DRAFT



Hart County Board of Commissioners  
Emergency Called Meeting Wednesday  
January 11, 2023

4:30 p.m.

At the Administrative and Emergency Services  
Building

Meeting was called to order at 4:30 p.m. Chairman Sayer, Commissioners Dorsey, Brown, Teasley and Bennett in attendance.

1. City of Hartwell Annexation of Parcels C70C 002, I70F 009, I70J 001-002  
After some discussion with the County Attorney Kim Higginbotham, a motion was made by Chairman Sayer to accept the proposed annexation ordinance (attached) based on negotiations between the County, The City of Hartwell and the property owners and to withdraw Hart County's objection to the annexation. Commissioner Dorsey provided a second to the motion. The motion was passed by a 5-0 vote.
2. Other Items as time allows

The meeting was suspended to allow time to reconvene at city hall to attend the Hartwell City Council meeting at 6:00 p.m.

No further actions were taken during the city's meeting.

Commissioner Teasley made a motion to adjourn the meeting at 7:00 p.m. A second to the motion was provided by Commissioner Bennett. The motion passed by a 5-0 vote.



12-A

## ARTICLE II.

### Section 2. COUNTY MARSHAL / CODE ENFORCEMENT

Office created; recognition as law enforcement unit; powers.

- (a) There is created the office of county marshal / code enforcement for Hart County. (Required for establishment of a "Law Enforcement Agency" to qualify under the P.O.S.T designation)
- (b) The county marshal / code enforcement office shall do all things necessary in order to be recognized as a law enforcement unit of the state and certified within the standards of the POST Act, as provided in O.C.G.A. § 35-8-1 et seq. (Required for establishment of a "Law Enforcement Agency" to qualify under the P.O.S.T designation)
- (c) The county marshal / Code Enforcement officers shall have the powers of arrest and the enforcement of all county ordinances and all laws of the state and all powers as outlined in O.C.G.A. § 15-10-103, and as amended from time to time. (O.C.G.A. § 15-10-103 - Constables / Marshals shall exercise the power of arrest only with a warrant or at the direction of and in the presence of a magistrate or the judge of another court.)
- Sec. ?? - Duties.
- The primary duties and responsibilities of the office of the county marshal / code enforcement officers shall be as follows:
  - (1) To service the county magistrate court as described in O.C.G.A. § 15-10-102 and to enforce all ordinances enacted by the county board of commissioners; (O.C.G.A. § 15-10-102 - The powers and duties of constables / Marshals include the following: (1) To attend regularly all sessions of magistrate court; (2) To pay promptly over money collected by them to the magistrate court; (3) To execute and return all warrants, summonses, executions, and other processes directed to them by the magistrate court; and (4) To perform such other duties as are required of them by law or as necessarily appertain to their offices.)
  - (2) To issue warnings and citations for magistrate court appearance for the violation of county ordinances;
  - (3) To investigate and collect evidence of these ordinance violations;
  - (4) To respond to complaints of alleged ordinance violations;
  - (5) To appear and testify in court;
  - (6) To ensure proper collection of fines imposed by the courts;
  - (7) To perform any other such duties as may be assigned.

Requirements of office.

- The following are requirements of the county marshal / code enforcement office:
  - (1) All marshals / code enforcement officers of the county marshal's office shall be POST certified or certified within a 12-month period.

- (2) Experience may be required in the issuance of citations, warnings and court appearances.
- (3) All marshals / code enforcement officers must be at least 21 years of age, have a high school diploma or G.E.D., and a valid state driver's license.
- (4) All marshals / code enforcement officers must have a clean criminal history.
- (5) Other duties as assigned

- Sec. ?? - Jurisdiction.

- The office of county marshal / code enforcement office shall be within Hart County boundaries.

- Sec. ?? - Organization.

There shall be a chief marshal who shall be the department head. The chief marshal shall be responsible for developing office policy and organization and for the appointment of deputy marshals pursuant to the county personnel policy as may be approved by the county board of commissioners through the regular budgetary procedures. (O.C.G.A. § 35-1-12. Chief of police or law enforcement head; exception. Any county, municipality, or other public subdivision of this state which has a law enforcement agency shall declare a chief of police or a law enforcement head for such law enforcement agency who is required to be a certified peace officer pursuant to the provisions of Chapter 8 of this title, known as the "Georgia Peace Officer Standards and Training Act." The provisions of this Code section shall not apply to sheriffs.)



**ORDINANCE NO. 2023-01**  
**OF THE CITY COUNCIL OF THE CITY OF HARTWELL, GEORGIA**

ANNEXING CERTAIN PROPERTY OF WHITWORTH REALTY ADVISORS, INC., BRAND MOSAIC JACKSON, LLC AND SALE CREEK, LLC, LYING AND BEING IN THE 1112TH G.M. DISTRICT OF HART COUNTY, GEORGIA, CONTAINING 274.226 ACRES, MORE OR LESS, LOCATED OFF OF AND FRONTING ON FAIRVIEW AVENUE, PARKDALE DRIVE, AND LIBERTY HILL ROAD, INTO THE CORPORATE LIMITS OF THE CITY OF HARTWELL, GEORGIA, SUBJECT TO CERTAIN TERMS, SPECIAL CONDITIONS, RESTRICTIONS, AND LIMITATIONS; REQUIRING CERTAIN NOTICES TO THE BOARD OF COMMISSIONERS OF HART COUNTY AND THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR EFFECTIVE DATES OF ANNEXATION FOR AD VALOREM TAX PURPOSES AND FOR OTHER PURPOSES; PROVIDING FOR REVISION AND REDRAWING OF THE OFFICIAL MAP OR DESCRIPTION OF THE CORPORATE LIMITS OF THE CITY OF HARTWELL; PROVIDING FOR THE ZONING CLASSIFICATION OF THE PROPERTY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; AND FOR OTHER PURPOSES:

WHEREAS, Whitworth Realty Advisors, Inc., Brand Mosaic Jackson, LLC, and Sale Creek, LLC own certain property in the 1112th G.M. District of Hart County, Georgia, located off of and fronting on Fairview Avenue, Parkdale Drive, and Liberty Hill Road (the "Property"), and being more particularly described on Exhibit A, attached to and made a part of this Ordinance, as if fully set forth herein, and has requested by written and signed application that this property be annexed to the existing corporate limits of the City of Hartwell;

WHEREAS, the City Council desires to accept this application for annexation;

WHEREAS, the City Council now desires to approve a written ordinance to confirm the annexation of the Property and the terms of such annexation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARTWELL, GEORGIA, and IT IS HEREBY ORDAINED by authority thereof, as follows:

**Section 1.** The City Council of the City of Hartwell, Georgia hereby finds and declares as follows:

- (a) Whitworth Realty Advisors, Inc., Brand Mosaic Jackson, LLC, and Sale Creek, LLC (hereinafter collectively referred to as the "Owners"), own certain property in the 1112th G.M. District of Hart County, Georgia, located off of and fronting on Fairview Avenue, Parkdale Drive, and Liberty Hill Road, more particularly

described on **Exhibit A**, attached to and made a part of this Ordinance, as if fully set forth herein (the "Property");

- (b) The Property has not yet been assigned an address, but is located off of and fronting on Fairview Avenue, Parkdale Drive, and Liberty Hill Road;
- (c) The Property is known as Tax Map and Parcel Numbers I70F 009, C70C 002, and part of I70J 001 002, according to the system currently utilized by the Hart County Board of Tax Assessors for numbering parcels of real property located in Hart County, Georgia, for purposes of ad valorem taxation;
- (d) The Owners desire, and have requested by making written and signed application to the City of Hartwell, to annex the entire Property into the existing corporate limits of the City of Hartwell, Georgia;
- (e) At least one-eighth of the aggregate external boundary of the Property, or at least 50 feet of the area to be annexed, whichever is less, directly abuts on the municipal boundary;
- (f) The entire parcel of real property owned by the Owners is being annexed;
- (g) The Property was not previously part of a larger tract of real estate that was subdivided into smaller parcels in an effort to evade the requirements of Section 36-36-20 of the Official Code of Georgia Annotated; and
- (h) The Property, excluding any right of way of a railroad or other public service corporation, complies with the City of Hartwell's minimum size requirements to construct a building or structure that may be legally occupied by persons or property under the policies or regulations of the City of Hartwell's development, zoning, or subdivision ordinances;
- (i) The proposed annexation of the Property will not create an unincorporated island, as prohibited by Section 36-36-4 of the Official Code of Georgia Annotated;
- (j) No independent school system exists within the boundaries of the City of Hartwell, Georgia; and
- (k) The Owners were advised of (a) the effect of Section 708 of the Zoning Ordinance of the City of Hartwell (Section 42-152 of the City Code), and (b) the Owners' obligation to apply for zoning as required by the Zoning Ordinance and the laws of the State of Georgia;
- (l) In the Petition for Annexation, the Owners requested that the Property be zoned as an R-1 – Single-Family Residential District; and



- (m) On November 29, 2022, the Hartwell Planning Commission voted to recommend annexation and to zone the Property as an R-1 – Single-Family Residential District, but subject to the following conditions:
- (1) Provide Operating Agreement to clarify party responsibilities in the petition.
  - (2) Single family residential – detached/attached.
  - (3) Density – Per R1 zoning and health department requirements. Proposed Section A – 2 units per acre to accommodate service delivery in regards to septic tank requirements; in all other areas, 2.9 units per acre after the design achieves compatibility with existing neighborhood designs, and after the green space, public spaces, and roads are designed allowing for 30 ft. undisturbed setbacks on the circumference of the property, as well as additional setbacks from all water sources addressed specifically in subsequent conditions (i.e., ponds, creeks, etc.)
  - (4) Phased development over a minimum of 10 years – start using the conceptual site plan as a marker, complete all infrastructure for the entire project and then develop housing product starting in proposed areas E & B.
  - (5) Per GMRC DRI Recommendations – additional roads in the neighborhood will need to be built as well as additional improvements to existing roadways including sidewalks, curbs, and gutter.
  - (6) Per GMRC DRI Recommendations - Prior to Chapter 32 subdivision applications, complete a traffic study with GDOT or “other traffic engineers” at the intersections SR77 and Liberty Hill Road and SR8 and Oakview Trail to bring road conditions to GDOT standards. Based on this study it is possible that a mitigation of traffic may require additional access points, a redirection of traffic, or possibly a reduction in the number of proposed units.
  - (7) Complete all Chapter 32 Subdivision petitions in public hearings including any minor subdivisions as defined by the City of Hartwell Code of Ordinances. All Chapter 32 requirements must be met prior to the city accepting a petition.
  - (8) Per GMRC DRI Recommendations - Internal pedestrian amenities such as sidewalks and proposed trail/greenway should connect to the County Recreation Center and the High School.
  - (9) Per GMRC DRI Recommendations, as noted above, the developer must maximize efforts to retain the integrity of Little Cedar Creek via a 50 ft.



buffer and other measures to prevent further contamination risk for the body of water. The same buffer should be in place around the pond that is central to the property.

- (10) The area on the conceptual plan provided marked “future growth (Area F)” should remain as a passive greenspace area to provide additional buffer to the County recreation area.
- (11) Increase passive greenspace area on the side of the proposed road in the development nearest to the Botanical Garden in proposed section A – 100 ft. undisturbed buffer.
- (12) Per GMRC DRI Recommendation the developer should consider cooperation with the County Parks and Recreation Area concerning not only access to the land but also possible set asides for future park development.
- (13) 55+ community housing in proposed areas E & B.
- (14) Hardy plank, brick, stick built.
- (15) Encourage housing product based on median household income for the area.
- (16) Require HOA for maintenance of common areas.
- (17) All conditions are in perpetuity regardless of owner.
- (18) Require bonds from developer for roads.
- (n) The City has determined that certain additional terms, special conditions, restrictions, and limitations, set forth below in this Ordinance, should be imposed on the Property as a condition of the annexation.

**Section 2.** Subject to the Owner’s acceptance of the following terms, special conditions, restrictions, and limitations, the City of Hartwell, Georgia, hereby accepts and approves the Owner’s application for annexation of the Property into the existing corporate limits of the City of Hartwell, Georgia:

- (1) The Property shall be zoned as in the R-1 – Single-Family Residential District.
- (2) The Owners shall provide (A) a list of all shareholders of Whitworth Realty Advisors, Inc., (B) true and correct copies of the operating agreements of Brand Mosaic Jackson, LLC, and Sale Creek, LLC, and (C) a list or narrative description of the identity and structure of any corporate shareholders and members of the

Owners, so that the identity of the natural persons with an interest in each of the Owners can be ascertained and confirmed.

- (3) Only single-family detached dwellings and single-family attached dwellings (townhouses) shall be constructed on the Property. No multi-family dwellings or structures of any kind shall be allowed on the Property.
- (4) The density of the Property shall comply with density requirements generally applicable in an R-1 zone and, for any areas in which service delivery agreements preclude city services, as generally required by the Hart County Health Department. Further, notwithstanding any other provision of this Ordinance, under no circumstances whatsoever shall the total number of units constructed on the Property exceed six hundred and fifty (650).
- (5) The development of all or multiple areas of the Property shall not occur at one time. Instead, the development of the Property shall occur in stages or phases over a minimum of ten (10) years, with development and construction commencing or being allowed to commence in one area only after development and construction in another specified area or areas has been commenced or proceeded to specified benchmarks. The specifics of the phasing of development shall be decided by the City based on engineered plans submitted by or on behalf of the Owners as part of the process by which the Owners shall submit an application for a building or development permit under Chapter 32 of the Hartwell City Code, but the phasing requirements will provide that construction will occur first in areas located in the northern area of the Property, near Parkdale Drive and Fairview Avenue.
- (6) Additionally, all infrastructure for the entire project shall be constructed as a first phase. As used in this condition, the term "infrastructure" shall mean and refer to roads, curb and gutter, sidewalks, walking paths, greenway trail (shown as Area G on the Conceptual Site Plan), and any utility service lines that will be dedicated to the City or a public entity.
- (7) As recommended by the DRI Findings of the Georgia Mountains Regional Commission, additional roads within the Property and improvements to existing city streets and roads, such as sidewalks, curbs, and gutter, must be constructed and dedicated to the City.
- (8) As recommended by the DRI Findings of the Georgia Mountains Regional Commission, before the submission of an application for a building or development permit under Chapter 32 of the Hartwell City Code, a traffic study must be completed, at the Owners' expense, by a qualified, reputable, professional traffic engineer, with regard to the impact of the proposed development on (A) the intersection of Georgia Highway 77 and Liberty Hill Road, (B) Liberty Hill Road, (C) the intersection of Parkdale Drive and the proposed road connecting the Property to Parkdale Drive, (D) Parkdale Drive, and



(E) the intersection of Georgia Highway 8 and Oakview Trail, and such study shall be submitted to the Zoning Administrator with such application. A true and correct copy of the traffic study shall be provided to Hart County, Georgia. Any mitigation measures or required improvements or upgrades to public infrastructure, including, but not limited to, additional access points, redirection of traffic, or reduction in the number of proposed units, that are recommended by the study shall be reviewed and, as part of the Chapter 32 process, the Owners may be required to implement some or all of the recommendations of the study at the Owners' cost. Additionally, the intersection of all new streets and roads within the subdivision with existing public roads shall be improved to comply with applicable standards of the Georgia Department of Transportation. Owners acknowledge that they will have to apply to Hart County, Georgia, for permission to connect subdivision streets to county roads, and will have to comply with such requirements as the County may impose as a condition of such connection.

- (9) All petitions or applications for building or development permits under Chapter 32 of the Hartwell City Code, including any petitions or applications with respect to minor subdivisions as defined by the City of Hartwell Code of Ordinances, shall be submitted to the Zoning Administrator and shall be heard and considered by the Planning Commission in public hearings. All applications under Chapter 32 of the Hartwell City Code and all documents, plats, and other materials that must accompany such an application shall be submitted before the Zoning Administrator will accept such a petition.
- (10) As recommended by the DRI Findings of the Georgia Mountains Regional Commission, internal pedestrian amenities, such as sidewalks and the proposed trail or greenway, shall connect to the Hart County Recreation Center and to the right-of-way for Fairview Avenue in the vicinity of the Hart County High School, as proposed in the Conceptual Site Plan.
- (11) Except as otherwise provided in this Ordinance with respect to certain specific areas within the Property or along the external boundary of the Property, Owners shall construct and maintain an undisturbed buffer or passive greenspace, thirty (30) feet wide, on the exterior boundary of the Property.
- (12) As recommended by the DRI Findings of the Georgia Mountains Regional Commission, as noted above, the developer must maximize efforts to retain the integrity of Little Cedar Creek by construction and maintenance of a buffer, fifty (50) feet wide, and other measures to prevent further contamination risk for the Creek. A buffer of the same width shall be constructed and maintained around the pond that is located near the center of the Property.
- (13) The area marked as Area F ("Future Development") on the Conceptual Site Plan submitted by the Owners, a true and correct copy of which is attached to this Ordinance as **Exhibit B** (hereinafter sometimes referred to as the "Conceptual Site Plan"), shall remain as a passive greenspace area to provide additional buffer



to the Hart County Recreation Area. If this area has been cleared, either in whole or in part, then suitable shrubs and trees shall be planted in the area to maintain a natural vegetative buffer.

- (14) Owners shall construct and maintain an undisturbed buffer or passive greenspace, no less than one hundred (100) feet wide, along the common boundary between the Property and the Hart County Botanical Garden in proposed Area A on the Conceptual Site Plan. If this buffer or greenspace has been cleared, either in whole or in part, then suitable shrubs and trees shall be planted in the buffer or greenspace to maintain a natural vegetative buffer.
- (15) Owners shall construct and maintain an undisturbed buffer or passive greenspace, no less than one hundred (100) feet wide, along the common boundary between the Property and the St. Andrew's Episcopal Church in proposed Area B on the Conceptual Site Plan. Notwithstanding the foregoing, it shall be permissible for entrances, streets, and the greenway trail to be constructed within this buffer.
- (16) As recommended by the DRI Findings of the Georgia Mountains Regional Commission, the developer should consider cooperation with the County Parks and Recreation Area concerning not only access to the land but also possible set asides for future park development.
- (17) Only housing suitable for persons fifty-five (55) years of age or older shall be constructed in proposed Area E on the Conceptual Site Plan. The possibility of construction of some housing for persons fifty-five (55) years of age or older in Area B will be explored.
- (18) All dwellings shall be stick-built structures, and shall be constructed with exterior finishes of hardy plank or brick.
- (19) Dwellings shall be constructed with such size, design, and materials so that the market price for such dwellings is affordable for persons of a median household income for this area.
- (20) A perpetual homeowners' association shall be established by Owners during the first phase of construction and applicable organizational instruments shall be created and adopted for that entity so that all persons owning lots in the Property shall be members and the entity shall be legally obligated to maintain all greenspace, buffers, walkways, paths, and other common areas, at the expense of such entity. The subdivision plat filed as part of the review and approval process under Chapter 32 of the Hartwell City Code shall provide that the greenway trail (shown as Area G on the Conceptual Site Plan) shall be owned and maintained by such homeowners' association but the general public shall be allowed free access to such greenway trail, subject to reasonable restrictions and limitations governing conduct of members of the public.

- (21) As a condition of obtaining a building permit or development permit under Chapter 32 of the Hartwell Code of Ordinances, Owners shall be required to provide to the City, in advance of the issuance of any such permit, a surety bond or a letter of credit, for the protection and benefit of the City, for the completion of the construction of all roads and infrastructure, including all intersections of subdivision streets with city streets, in an amount reasonably sufficient to pay for such construction, and to be provided by a reputable insurer or financial institution, reasonably satisfactory to the City.
- (22) As a condition of obtaining a building permit or development permit under Chapter 32 of the Hartwell Code of Ordinances, Owners shall be required to provide to the County, in advance of the issuance of any such permit, a surety bond or a letter of credit, for the protection and benefit of the County, for the repair of any damage caused to county roads by construction vehicles, in an amount reasonably sufficient to pay for such damage, and to be provided by the same or a similar insurer or financial institution as the one that provides bonds to the City.
- (23) The decisions and rulings of the Hartwell Planning Commission in connection with the proceedings under Chapter 32 of the Hartwell City Code, including approval of a preliminary plat and approval of a final plat, shall not be final, but shall be submitted to the City Council and shall be subject to approval, modification, or rejection by the City Council.
- (24) These conditions shall remain in effect in perpetuity, and shall bind Owners and their respective successors and assigns, and shall bind the Property and run with the land as restrictive covenants, unless and until modified by the City of Hartwell in accordance with applicable laws and ordinances.
- (25) The Owners shall have until January 31, 2023, to approve and accept these conditions in the following manner:
- (a) The Owners shall deliver to the City Manager, no later than noon on January 31, 2023, a written instrument, signed by the Owners, expressly, unequivocally, and unconditionally approving and accepting these conditions.
  - (b) If the Owners do not deliver such written acceptance in a timely manner, then the Owners shall be deemed to have withdrawn and rescinded the Owners' application for annexation of the Property into the existing corporate limits of the City of Hartwell, Georgia, the Property shall not be annexed into the corporate limits of the City of Hartwell, Georgia, and the remaining provisions of this Ordinance shall be void and shall have no further force or effect.



- (c) If the Owners do deliver such written acceptance in a timely manner, then
  - (i) the Owners shall be deemed to have amended and modified the Owners' application for annexation of the Property into the existing corporate limits of the City of Hartwell, Georgia, to request annexation under the terms and conditions set forth in this Ordinance, (ii) the City shall be deemed to have accepted and approved such application, and (iii) the Property shall be annexed into the corporate limits of the City of Hartwell, Georgia, subject to the terms, special conditions, restrictions, and limitations set forth in this Ordinance.

If and only if the Owners approve the terms, special conditions, restrictions, and limitations of the City's acceptance and approval, as set forth in this Ordinance, and in the manner set forth in this Ordinance, then the Property shall hereby be annexed into the existing corporate limits of the City of Hartwell, Georgia, effective as of the dates stated in this Ordinance.

**Section 3.** If and only if the Owners approve the terms, special conditions, restrictions, and limitations of the City's acceptance and approval of the annexation of the Property, as set forth in this Ordinance, and in the manner set forth in this Ordinance, then pursuant to Section 36-36-2 of the Official Code of Georgia Annotated:

- (a) for all purposes except for ad valorem tax purposes, the annexation of the Property into the existing corporate limits of the City of Hartwell, Georgia, shall become effective on February 1, 2023 (the first day of the month following the month during which this Ordinance is approved); and
- (b) for ad valorem tax purposes, the annexation of the Property into the existing corporate limits of the City of Hartwell, Georgia, shall become effective on December 31, 2023 (December 31 of the year during which this Ordinance is approved by the City Council of the City of Hartwell, Georgia).

When so annexed, the Property shall constitute a part of the lands within the corporate limits of the City of Hartwell, Georgia, as completely and fully as if the limits had been marked and defined by local Act of the General Assembly.

**Section 4.** In accordance with Section 36-36-6 of the Official Code of Georgia Annotated, the City Manager or his designee is hereby directed to send to the Board of Commissioners of Hart County, Georgia, by certified mail, return receipt requested, a written notice of the proposed annexation within five (5) business days of the effective date of this Ordinance, unless the City Manager or his designee has already provided such notice. Such report shall include a map or other description of the area proposed to be annexed sufficient to identify the area.

**Section 5.** Pursuant to Section 36-36-3 of the Official Code of Georgia Annotated, no more than thirty (30) days following the last day of the quarter in which the annexation of the Property becomes effective for all purposes except ad valorem taxation, the City Manager or his designee shall provide the Board of Commissioners of Hart County and the Georgia Department



of Community Affairs with a report identifying the Property. Pursuant to Section 36-36-3 of the Official Code of Georgia Annotated, each report shall include the following:

- (a) The legal authority under which the annexation was accomplished, which shall be the ordinance number for this annexation, which was effected pursuant to Article 2, of Chapter 36 of Title 36 of the Official Code of Georgia Annotated;
- (b) The name of the county in which the Property is located;
- (c) The total acreage annexed;
- (d) The enactment date and effective date of this Ordinance;
- (e) A letter from the City Council of the City of Hartwell, Georgia, stating its intent to add the annexed area to maps provided by the United States Bureau of the Census during their next regularly scheduled boundary and annexation survey of the City of Hartwell, Georgia, and stating that the survey and map will be completed as instructed and returned to the United States Bureau of the Census; and
- (f) A list identifying roadways, bridges, and rights of way on state routes that have been annexed by this Ordinance and, if necessary, the total mileage annexed.

Compliance with the requirements of this Ordinance shall be construed to be merely ancillary to and not an integral part of the annexation procedure such that an annexation shall, if otherwise authorized by law, become effective even though required notices or filings under this Ordinance are temporarily delayed.

**Section 6.** If and only if the Owners approve the terms and conditions of the City's acceptance and approval of the annexation, as set forth in this Ordinance, and in the manner set forth in this Ordinance, then the City Manager shall cause the official map or description of the corporate limits of the City of Hartwell, Georgia, to be revised and redrawn to reflect the change in the corporate boundaries affected by this by this Ordinance. Additionally, the City Council of the City of Hartwell, Georgia, shall add all annexed areas to maps provided by the United States Census Bureau during the next regularly scheduled boundary and annexation survey of the City of Hartwell, Georgia, complete the survey and map as instructed, and return them to the United States Census Bureau within the time frame requested.

**Section 7.** The City hereby approves and confirms that the Property shall be in the R-1 – Single-Family Residential District, subject to the terms, special conditions, restrictions, and limitations set forth in this Ordinance.

**Section 8.** This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Hartwell, Georgia.

**Section 9.** Any and all ordinances or resolutions, or parts of ordinances or resolutions, which are inconsistent with this Ordinance shall be and are hereby repealed.

**Section 10.** If any section, provision or clause of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this Ordinance not so held to be invalid, or to affect the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent as the City Council of Hartwell that this Ordinance would have been adopted had such invalid portion not been included herein.

SO ORDAINED, this 11th day of January, 2023, by the Council of the City of Hartwell, Georgia.

AUTHENTICATION:

Read first time on November 7, 2022.

Adopted by Council on January 11, 2023.

Presented to Mayor on January 11, 2023.

Approved/Disapproved by Mayor on January \_\_\_\_\_, 2023.

Returned to City Manager on January \_\_\_\_\_, 2023.

\_\_\_\_\_  
Hon. Brandon Johnson, Mayor

\_\_\_\_\_  
Jonathan Herschell, City Manager

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**EXHIBIT A**  
**TO ORDINANCE NO. 2023-01**  
**OF THE CITY COUNCIL OF THE CITY OF HARTWELL, GEORGIA**

(Legal Description of Property)

(Tax Parcel I70F 009, Tax Parcel C70C 002, and  
Part of Tax Parcel I70J 001 002)

All that tract or parcel of land with improvements thereon, lying and being in the 1112th G.M. District of Hart County, Georgia, containing 274.226 acres, more or less, and being more particularly described as Tract #2 in a plat of survey prepared by Aaron P. Bloomberg, Registered Land Surveyor, dated March 26, 2021, recorded in Plat Book 7322, at Page 207, in the Office of the Clerk of the Superior Court of Hart County, Georgia, said plat and the recording thereof being expressly by reference incorporated into and made a part of this description.

This property is bounded now or formerly as follows, as shown on said plat: On the North by property of Courtney V. Kesler, property of Billy E. & Janie S. Ethridge, other property of Billy E. & Janie S. Ethridge, property of Logan Brady Bill Fleeman, other property of Logan Brady Bill Fleeman, property of Kevin and Crystal Thomas, property of Robert Alan Duncan & Celia A. Chamblee, other property of Billy and Jane C. Ethridge, property of Jeffery Aronson, the southwestern boundary of the right-of-way (40 feet wide) for Parkdale Road, and Tract #1; on the East by property of Care Investment, LLC, property of Steve G. & Arthur F. Smith, property of Barbara Gail Milford, and property of Monte V. & Barbara Williford; on the South by Lots 1-32 and the northern boundary of the right-of-way for County Paved Road No. 23 (now known as "Liberty Hill Road"); on the West by property of Charles Alan Blackmon, property of Hart County, Georgia, property of AOA Parish Real Estate, property of Eleven Pines, LLC, other property of Hart County, Georgia, the eastern boundary of the right-of-way (40 feet wide) for Fairview Avenue, and property of Protestant Episcopal Diocese.



**EXHIBIT B**  
**TO ORDINANCE NO. 2023-01**  
**OF THE CITY COUNCIL OF THE CITY OF HARTWELL, GEORGIA**

(Conceptual Site Plan)

13-13

[tpartain@hartcountyga.gov](mailto:tpartain@hartcountyga.gov)

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**From:** Amanda Brown <manda2257@gmail.com>  
**Sent:** Wednesday, January 18, 2023 8:53 PM  
**To:** Terrell Partain  
**Subject:** 1-24 Agenda - Years of Service

Terrell,

Please place the BOA on the agenda for Tuesday's meeting. The board is requesting to reinstate Kelly Seymour to give credit for her years of service.

I don't know if one of us needs to come and speak or if that's just something you handle. Let me know what's best.

Amanda

10 YRS



13-C  
**tpartain@hartcountyga.gov**

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**From:** hartcoems@hartcountyga.gov  
**Sent:** Wednesday, January 18, 2023 3:30 PM  
**To:** 'Terrell Partain'  
**Subject:** agenda trauma grant

Hart Co EMS has been awarded a 100% grant of 6127.68 from Ga Trauma Commission. This is not a matching grant but a reimbursement grant that must be spend before February 1, 2023. I am requesting approval by the Board of Commissioners to purchase IV Fluid warmers for all our ambulances at a cost of 6345.00. The grant funds would offset all but 217.32 of the cost. Thank You

Mike Adams