

**City of Locust Grove
Council Meeting Minutes
Public Safety Building – Courtroom Chamber
3640 Highway 42 S. – Locust Grove, GA 30248
Monday, December 6, 2021
6:00 PM**

Members Present:	Staff Present:
Robert Price – Mayor	Tim Young – City Manager
Carlos Greer – Councilman	Bert Foster – Assistant City Manager
Willie Taylor – Councilman	Misty Spurling – City Clerk
Keith Boone – Councilman	Jennifer Adkins – Assistant City Clerk
Vincent Williams – Councilman	Daunte’ Gibbs – Community Development Director
Rod Shearouse – Councilman	Jack Rose – Public Works Director
Rudy Breedlove – Councilman	Derrick Austin - Police Chief
	Andy Welch - Attorney

Mayor Price called the meeting to order at 6:00 PM

Invocation given by Chief Derrick Austin

Councilman Breedlove led the Pledge of Allegiance.

APPROVAL OF AGENDA –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the December 6, 2021 meeting agenda.

RESULT	APPROVED AGENDA
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN BOONE
VOTE	MOTION CARRIED - ALL IN FAVOR

PUBLIC COMMENTS – NONE

PUBLIC HEARING ITEMS – NONE

APPROVAL OF THE MINUTES –

1. NOVEMBER 1, 2021- REGULAR MEETING MINUTES –

Mayor Price asked for a motion. Councilman Greer made the motion to approve the November 1, 2021, regular meeting minutes.

RESULT	APPROVED NOVEMBER 1, 2021 REGULAR MEETING MINUTES
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

2. NOVEMBER 1, 2021 EXECUTIVE SESSION MEETING MINUTES –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the November 1, 2021 executive session meeting minutes.

RESULT	APPROVED NOVEMBER 1, 2021 EXECUTIVE SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

3. NOVEMBER 15, 2021- WORKSHOP MEETING MINUTES –

Mayor Price asked for a motion. Councilman Taylor made the motion to approve the November 15, 2021 workshop meeting minutes.

RESULT	APPROVED NOVEMBER 15, 2021 WORKSHOP MEETING MINUTES
MADE MOTION	COUNCILMAN TAYLOR
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

4. NOVEMBER 15, 2021 EXECUTIVE SESSION MEETING MINUTES –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the November 15, 2021 executive session meeting minutes.

RESULT	APPROVED NOVEMBER 15, 2021 EXECUTIVE SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

ACCEPTANCE OF THE FINANCIAL STATEMENT –

5. NOVEMBER 2021 FINANCIAL STATEMENT –

Mayor Price asked for a motion. Councilman Greer made the motion to approve the November 2021 Financial Statement –

RESULT	APPROVED NOVEMBER 2021 FINANCIAL STATEMENT
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

UNFINISHED BUSINESS/ACTION ITEMS –

6. Ordinance to adopt the FY 2022 Operating and Capital Improvements Budget -

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request by approving ordinance #21-12-078

RESULT	APPROVED ORDINANCE #21-12-078
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

7. Approve a special event permit for the Locust Grove High School “School Showcase”, December 21, 2021-

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED – ALL IN FAVOR

8. Ordinance on Council meeting schedule for 2022-

Mayor Price asked for a motion. Councilman Taylor made the motion to approve the request by approving ordinance #21-12-079.

RESULT	APPROVED ORDINANCE #21-12-079
MADE MOTION	COUNCILMAN TAYLOR
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

9. Ordinance to personnel policy Section 306 “Personal Leave – Sick Leave Policy” -

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving ordinance #21-12-080.

RESULT	APPROVED ORDINANCE #21-12-080
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

10. Resolution authorizing commencement of validation proceedings for the General obligation bonds -

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request by approving resolution #21-12-081.

RESULT	APPROVED RESOLUTION #21-12-081
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

NEW BUSINESS/ACTION ITEMS –

11. Ordinance to extend a Moratorium on accepting zoning map amendment applications, building permit applications, development plans, preliminary/final plat applications for new multi-family developments for an additional one-hundred eighty (180) days –

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the request by approving ordinance **#21-12-082**.

RESULT	APPROVED ORDINANCE #21-12-082
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

Councilman Boone what has changed since the approval of the last Moratorium? Mr. Young said this will allow time to review a step procedure for more clarity. We are working on a format with images and review of an amenity list, exterior design, parking, etc. Nothing further.

CITY MANAGER’S COMMENTS –

Mr. Young made a comment we are working on finalizing year end and looking at some dates for a retreat. There will be a sanitation increase of four percent as discussed. We will be closed for Christmas holidays on December 24th and December 27th and closed December 31st for New Year’s. Mr. Young reminded Council to register for Cities United in January if not already done so. Nothing further.

Councilman Breedlove asked about the sanitation contract and if it will expire in 2022 and Mr. Young said the contract is on an automatic renewal.

Councilman Greer referenced the moratorium and asked how many new building permits have been approved? Mr. Gibbs said over 2,000 [total permits] with 380 new home permits. There are four warehouse permits approved with one pending.

Councilman Greer suggested having a moratorium for building warehouses. Discussion took place about increase in traffic.

Councilman Williams asked Mr. Welch if we will expect receipt of the funding for roads early next year. Mr. Welch said yes, and we must have GDOT approval of road improvements.

Councilman Greer asked if a special tax district can be created for warehouses? Mr. Welch said in some parts of the city; however, a special tax district can only be implemented for a specific purpose (i.e., Roads) for an allotted time. There are two options; do not tax or implement a homestead exemption.

Councilman Greer asked for update on the McDonald’s incident and Chief Austin gave an update.

Councilman Boone made a comment he wanted to be part of the interview process for the Main Street position but said he was not asked. Mr. Young said we had two applicants and apologized for overlooking his request. Nothing further.

MAYOR’S COMMENTS – NONE

EXECUTIVE SESSION –LITIGATION

Mayor Price asked for a motion to enter executive session for the purpose of litigation. Councilman Greer made the motion with second by Councilman Breedlove. All in favor and motion carried. Council entered executive session at 6:34 PM.

Mayor Price asked for a motion to reconvene to regular session from executive session at 7:10 PM. Councilman Greer made the motion with second by Councilman Breedlove. All in favor and motion carried.

ADJOURNMENT –

Mayor Price asked for a motion to adjourn. Councilman Greer made the motion to adjourn.

RESULT	APPROVED – ADJOURN MEETING
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED MEETING ADJOURNED @ 7:16 PM.

Notes taken by:

Misty Spurling, City Clerk

**City of Locust Grove
Council Workshop Meeting Minutes
Public Safety Building – 3640 Highway 42 S.
Locust Grove, GA 30248
Monday, December 20, 2021
6:00 PM**

Members Present:	Staff Present:
Robert Price – Mayor	Tim Young – City Manager
Willie Taylor – Councilman	Bert Foster – Assistant City Manager
Keith Boone – Councilman	Misty Spurling – City Clerk
Rudy Breedlove - Councilman	Jennifer Adkins – Assistant City Clerk
Vincent Williams - Councilman	Daunte’ Gibbs – Community Development Director
Carlos Greer – Councilman	Jack Rose – Public Works Director
Rod Shearouse – Councilman	Derrick Austin – Police Chief
	Andy Welch - Attorney

Mayor Price called the meeting to order at 6:00 PM.

Invocation given by City Manager Tim Young.

Councilman Greer led the Pledge of Allegiance.

APPROVAL OF AGENDA –

Mayor Price asked for a motion to amend the agenda. Councilman Breedlove made the motion approve the December 20, 2021 meeting agenda.

RESULT	APPROVED AGENDA
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN BOONE
VOTE	MOTION CARRIED - ALL IN FAVOR

PUBLIC COMMENTS –

- **Introduction of new employees (Police Department) -Officer Steven Pritchett and Deputy Court Clerk Dayna Biles**

Chief Austin introduced new employees Officer Steven Pritchett and Deputy Court Clerk Dayna Biles to the Police Department.

- **Introduction of new employees (Community Development) – Planning Tech, Richardean Few; Development Inspector, James Tomlinson; and Code Enforcement Wendy Stephens**

Community Development Director Daunte’ Gibbs introduced new employees Richardean Few, James Tomlinson, and Wendy Stephens to the department.

- **Introduction of new employee – Main Street Manager, Colleen Watts –**

City Manager Tim Young introduced new employee Colleen Watts to Main Street position.

Mayor and Council welcomed all new employees. Nothing further.

PUBLIC HEARING ITEMS –

1. Rezoning of 36.436 +/- acres of multiple tracts (Parcel IDs: 111-01007000 (portion), 111-01007001, 111-01006051, and 111-01006052; in land lot 233 of the 2nd district -

Community Development Director Daunte’ Gibbs stepped forward to the podium. Mr. Gibbs led discussion the applicant; HFG Development, LLC, requests a rezoning of multiple tracts from RA (residential agricultural) to M-2 (heavy manufacturing). The applicant intends to build two (2) 75,000 square foot warehouses. Mr. Gibbs said staff is denying the request for M-2; however, recommends approval of M-1 with five conditions (read aloud).

Mayor Price said this is a public hearing.

Councilman Williams asked when this is scheduled for action and Mr. Gibbs replied January 3, 2022.

Councilman Breedlove asked what M-1 represents and Mr. Gibbs said M-1 is light manufacturing.

Councilman Williams asked a time frame expected for completion and Mr. Gibbs said normally 12-24 months; however, the applicant is present to confirm.

Mayor Price asked for any public comments for anyone in favor.

Mr. Newton Galloway: attorney on behalf of HFG Development stepped forward to comment. Mr. Galloway said the goal is six to twelve months for completion and provided a power point for review as handed out to each of the Council. Mr. Galloway said they are requesting for approval as staff has recommended.

Mayor Price asked for comments from Council.

Councilman Williams asked if the proposed warehouses are leased yet and Mr. Galloway said “No”.

Councilman Boone made a comment about the type of trees he suggests for the landscape and Mr. Gibbs said the applicant will submit a landscape plan.

Mayor Price asked for any public comments in opposition and there were no comments.

Mayor Price closed the public hearing.

NEW BUSINESS/ACTION ITEMS –

2. Resolution to award the bid for services associated with the installation of a traffic signal at Market Place Boulevard and State Route 42 –

Mr. Foster said this is to award the bid to Lumin8 Transportation Technologies, LLC in the amount \$152,940.00 which includes the \$25,000 contingency. Nothing further.

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request by approving resolution 21-12-083.

RESULT	APPROVED RESOLUTION #21-12-083
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN BOONE
VOTE	MOTION CARRIED - ALL IN FAVOR

3. Resolution to adopt the annual update to the (CIE) Capital Improvement –

Councilman Shearouse referenced the email thread from Jared Lombard and asked for more clarity on “advisory comment”. Mr. Gibbs said those are only suggestions and will be addressed next year.

Mayor Price asked for a motion. Councilman Boone made the motion to approve the request by approving resolution #21-12-084.

RESULT	APPROVED RESOLUTION #21-12-084
MADE MOTION	COUNCILMAN BOONE
2 ND MOTION	COUNCILMAN WILLIAMS
VOTE	MOTION CARRIED - ALL IN FAVOR

4. Ordinance to approve the final plat for Barnes Station Phase III subdivision, located on Massey Lane –

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance #21-12-085.

RESULT	APPROVED ORDINANCE #21-12-085
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN WILLIAMS
VOTE	MOTION CARRIED - ALL IN FAVOR

5. Request for a Special Event permit for Heritage Baptist Church youth mistletoe fundraiser December 21-24, 2021-

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN FAVOR

6. Resolution for LMIG for 2022 application –

Mayor Price asked for a motion. Councilman Boone made the motion to approve the request by approving resolution #21-12-086.

RESULT	APPROVED RESOLUTION #21-12-086
MADE MOTION	COUNCILMAN BOONE
2 ND MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN FAVOR

CITY OPERATION REPORTS / WORKSHOP DISCUSSION ITEMS -

MAIN STREET OPERATIONS – COLLEEN WATTS

- **Resolution(s) for reappointment – Downtown Development Authority (DDA) – Rod Shearouse, Aggie Combs**
- **Resolution(s) for reappointment – Historic Preservation Commission (HPC) – Rachel Devitt, Jeff Mills**

Ms. Colleen Watts stepped forward and mentioned the upcoming reappointments for DDA and HPC for 2022. Nothing further.

PUBLIC SAFETY OPERATIONS – CHIEF AUSTIN

Chief Austin reviewed the monthly report and gave an update total collected in November 2021 was \$65,873.00. The department completed 209 training hours in November.

- **Amendment to Police SOP Section I-005 – Criminal Investigations/Missing Persons –**

Chief Austin reviewed the amendment and said this is for action on January 3, 2022.

- **Amendment to Police SOP Section A-081 – Social Media –**

Chief Austin said this is to clarify what is/is not allowed related to social media and is a requirement as part of applying for State certification.

Chief Austin gave an update we are in the process of hiring an officer to fill the last position open for the department. We will be fully staffed once the position is filled. Nothing further.

PUBLIC WORKS – JACK ROSE

Public Works Director Jack Rose gave an update plant operation are good, continuing with general maintenance and repairs. Nothing further.

ADMINISTRATION – BERT FOSTER

Mr. Foster gave an update for the Peeksville Road extension (joining Highway 42 at Peeksville and Cleveland Street), Chase Maddox Park repairs and the additional lane on Highway 42 to Peeksville Road. We have a site visit scheduled with the sign company on January 6, 2022, for the city hall sign. Mr. Foster also gave an update on the Bill Gardner Parkway modifications, MMIP (commercial vehicle lanes), Traffic signal at Market Place and the Scatter Garden/Veteran’s Memorial. Further, Mr. Foster said we will be doing improvements (floor and wall) in the water department in January and the Railroad crossing at Colvin Drive should be open this week. Nothing further.

COMMUNITY DEVELOPMENT OPERATIONS – DAUNTÉ GIBBS

Mr. Gibbs gave an update his department has issued a total of 2,619 permits including 402 new house permits for 2021. We have issued 447 COs [327 residential and 120 commercial permits] with 467 business licenses issued for 2021. Mr. Gibbs said there are several ongoing active developments. Nothing further.

ARCHITECTURAL REVIEW BOARD (ARB) – NONE

CITY MANAGER’S COMMENTS –

- **MOU for P-3 MMIP CVL Project #0014203- GDOT (Utilities) –**

Mr. Young said this is for work along I-75 for the Commercial Vehicle Lanes project. The city chooses Turnipseed for design work for any relocation of utilities along the corridor but will be reimbursed by the P3 contractor when chosen. Nothing further.

Mr. Young said we are waiting on confirmation for a retreat location for February and will update everyone soon.

MAYOR’S COMMENTS –

EXECUTIVE SESSION – LITIGATION

Mayor Price asked for a motion to enter executive session for the purpose of litigation. Councilman Williams made the motion with second by Councilman Boone. All in favor and motion carried. Council entered executive session at 6:50 PM.

Mayor Price asked for a motion to reconvene to regular session from executive session at 7:01 PM. Councilman Williams made the motion with second by Councilman Breedlove. All in favor and motion carried.

ADJOURNMENT-

Mayor Price asked for a motion to adjourn. Councilman Williams made the motion to adjourn.

RESULT	ADOPTED
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN-FAVOR MEETING ADJOURNED @ 7:02 PM.

Notes taken by:

Misty Spurling, City Clerk



Community Development Department

P. O. Box 900
Locust Grove, Georgia 30248
Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: An ordinance for rezoning of 36.436 +/- acres of multiple tracts (Parcel IDs: 111-01007000 (portion), 111-01007001, 111-01006051, and 111-01006052; in Land Lot 233 of the 2nd District.

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: December 4, 2021

Budget Item: No

Date Received: November 1, 2021

Workshop Date: December 20, 2021

Regular Meeting Date: January 3, 2021

Discussion:

HFG Development, LLC of Stockbridge, GA has submitted an application requesting rezoning of 36.436 +/- acres (multiple tracts) from RA (Residential Agricultural) to M-2 (Heavy Manufacturing); Parcels: 111-01007000 (portion), 111-01007001, 111-01006051, and 111-01006052; in Land Lot 233 of the 2nd District. The applicant intends to build two 75,000 square foot warehouses.

Recommendation:

Staff recommends approval of the applicant's request with the following conditions:

1. Plain painted, baked or acrylic finish corrugated metal panels shall be prohibited on all exterior walls unless otherwise approved by the Architectural Review Board, and then only as an accent feature. Primary facades shall be tilt-up concrete, brick, natural stone, glass with proper fenestration using color, materials and design to break up large expanses of wall space.
2. A lighting plan shall be submitted and approved prior to the issuance of a Certificate of Occupancy. This lighting plan shall detail cutoff-type fixtures on all buildings and in parking lots as well as a photometric plan.
3. The applicant shall be permitted to submit a stand-alone landscape plan for review by the City Council at a regularly scheduled meeting. It is understood that the size and scope of this project may require substantial reductions to produce a long-term sustainable plan.
4. As many mature trees as possible located will be preserved and protected during construction, under the direction and supervision of a certified arborist, and remain preserved and protected when distribution operations commence.
5. The only permitted industrial uses on the site shall be warehouse and/or distribution.

ORDINANCE NO. _____

AN ORDINANCE TO REZONE 36.436 +/- ACRES FROM RA (RESIDENTIAL AGRICULTURAL) TO M-2 (HEAVY MANUFACTURING) FOR MULTIPLE TRACTS LOCATED ON THE WEST SIDE OF SR 42 BETWEEN COLVIN DR AND PINE GROVE RD; PARCELS 111-01007000 (PORTION), 111-01007001, 111-01006051, AND 111-01006052 IN LAND LOT 233 OF THE 2ND DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA

WHEREAS, HFG Development, LLC of Stockbridge, GA (hereinafter referred to as “Applicant”), requests rezoning for 36.436 +/- acres located west of State Route 42 between Colvin Dr. and Pine Grove Rd. in Land Lot 233 of the 2nd District (hereinafter referred to as the “Property”) and described in **Exhibit A** attached hereto and incorporated herein by reference; and,

WHEREAS, the Applicant has submitted an application which is included in the Rezoning Evaluation Report (hereinafter referred to as “Report”) attached hereto and incorporated herein by reference as **Exhibit “B”**; and,

WHEREAS, the Applicant requests the Mayor and City Council of the City of Locust Grove (hereinafter referred to as “City”) rezone the subject property from RA (Residential Agricultural) to M-2 (Heavy Manufacturing); and,

WHEREAS, said request has been reviewed by the Community Development Department (hereinafter referred to as “Staff”) and the City during a public hearing held on December 20, 2021; and,

WHEREAS, notice of this matter (attached hereto and incorporated herein as **Exhibit “C”**) has been provided in accordance with applicable state law and local ordinances; and,

WHEREAS, the Mayor and City Council have reviewed and considered the Applicant’s request and the recommendations of the Staff as presented in the Report; and,

WHEREAS, the Mayor and City Council have considered the Applicant’s request in light of those criteria for rezoning under *Section 17.04.315* of the *Code of the City of Locust Grove*; and,

**THEREFORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY
ORDAINS:**

1.

- () That the Property is hereby rezoned from RA to M-2 in accordance with the Zoning Ordinance of the City
- () The Applicant's request in said application is hereby **DENIED**.

2.

That the rezoning of the above-described Property is subject to:

- () The conditions set forth on **Exhibit "D"** attached hereto and incorporated herein by reference.
- () The terms of the Development Agreement attached hereto as **Exhibit "D"** and incorporated herein by reference.
- () If no **Exhibit "D"** is attached hereto, then the property are zoned without conditions.

3.

That, if rezoning is granted, the official zoning map for the City is hereby amended to reflect such zoning classification for the Property.

4.

That, if rezoning is granted, said rezoning of the Property shall become effective immediately.

SO ORDAINED by the Council of the City this 3rd day of January 2022.

ROBERT S. PRICE, Mayor

ATTEST:

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

Legal Description

All that tract or parcel of land situate, lying and being in Land Lot 233 of the Second Land District of Henry County, Georgia consisting of 36.436 acres, more or less, as shown on the "Zoning Boundary Survey," prepared for Hospitality Financial Group, by Metro Engineering and Surveying Co., Inc., James R. Green, RLS, No. 2543, November 1, 2021, attached hereto as Exhibit "A," the metes and bounds of which are incorporated herein as if fully set forth.

EXHIBIT "B"



REZONING EVALUATION REPORT

FILE: RZ-21-11-01

December 20, 2021
REZONING RA TO M-2

Property Information

Tax ID	111-01007000 (portion), 111-01007001, 111-01006051, and 111-01006052
Location/address	Land Lot 233 of the 2 nd District (Multiple Tracts)
Parcel Size	36.436 +/- acres
Current Zoning	RA (Residential Agricultural)
Request	Rezoning to M-2 (Heavy manufacturing)
Proposed Use	Warehouse/ Distribution facilities
Existing Land Use	Single-family dwelling and undeveloped land
Future Land Use	Industrial
Recommendation	Denial of M-2, Approval of M-1 with Conditions

Summary

HFG Development, LLC of Stockbridge, GA has submitted an application requesting rezoning of 36.436 +/- acres from RA (Residential Agricultural) to M-2 (Heavy Manufacturing); Parcels: 111-01007000 (portion), 111-01007001, 111-01006051, and 111-01006052; in Land Lot 233 of the 2nd District. The Properties are located on the west side of SR 42 between Colvin Drive and Pine Grove Road.

HFG has agreed to purchase the property subject to rezoning approval and intends to develop the property for industrial warehousing. The applicant anticipates that the development would consist of two (2) 75,000 square foot warehouses (total square footage of 150,000 square feet) and a single access point off of SR 42 south, as shown on their conceptual site plan.

The Properties are currently comprised of undeveloped vacant land, and one single-family home.

Service Delivery / Infrastructure

Water and Sewer: City water and sewer services are not available to the subject properties. Henry County Water Authority is the anticipated water and sewer provider for the proposed development.



REZONING EVALUATION REPORT

FILE: RZ-21-11-01

December 20, 2021
REZONING RA TO M-2

Land Use: The site must be in compliance with the requirements set forth in the City's Industrial (M-1 or M-2, respectively) zoning districts as well as development standards established in Title 15 of the City Code, including Watershed Protection standards, as applicable to the site.

Financial Impacts:

The property tax collections are potentially significant due to the Properties' requested industrial zoning and proposed use; however, there will be variable sales tax collections due to the nature of the business conducted (warehousing and distribution). Employee figures will not be known until a tenant moves into the facility. Fees for water and sewer services, development and building inspections and reviews, occupational tax and impact fees will be collected.

Police Services: The subject property is in the existing city limits and will remain on a regular patrol route. Future development of this area may require additional police patrol for crime prevention and traffic control.

Fire: Fire and emergency services will be performed by Henry County as is similar with other portions of the city as defined by the Service Delivery Strategy.

Criteria for Evaluation of Rezoning Request

Section 17.04.315 Procedure for Hearing before City Council.

- (a) **All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The City Council shall consider the following:**
- (1) **The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.** The proposed rezoning is in keeping with the transitioning character of the immediately surrounding properties along SR 42 from RA to industrial uses. In addition to existing industrial development adjoining the subject properties (Home Depot Distribution Center, Gardner Logistics Park, and other speculative industrial projects under development), the Future Land Use Map identifies the adjacent undeveloped tracts for industrial use.
 - (2) **The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter.** The request will allow a higher, more permissive zoning use (M-1) that will be more consistent with the current zoning and land use of the surrounding properties.



REZONING EVALUATION REPORT

FILE: RZ-21-11-01

December 20, 2021

REZONING RA TO M-2

- (3) **Consistency with the Land Use Plan.** The proposed rezoning is consistent with the Future Land Use Map and Comprehensive Plan.
- (4) **The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.** The Properties do not currently have access to City water and sewer service and will have water and sewer services provided by the Henry County Water and Sewer Authority.
- (5) **The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.** The infrastructural impact should be minimal given the project's comparatively small size and recent infrastructure improvements at SR 42 and Colvin Dr. industrial development of these parcels presents the opportunity to extend existing sidewalks located immediately south of the subject property.
- (6) **The impact upon adjacent property owners should the request be approved.** The table immediately below details the zoning, current land use and future land use of the adjacent parcels.

Direction	Zoning	Current Land Use	Future Land Use
North	RA	Vacant tract	Industrial
East	RA	Vacant tract	Industrial
South	M-1	Industrial Buildings	Industrial
West	M-1	Industrial Buildings	Industrial

- (7) **The ability of the subject land to be developed as it is presently zoned.** Developing the Properties as they are currently zoned does not provide the highest and best use for the land. The Properties are adjacent to land zoned for industrial use, presenting a less than ideal location for already low-demand residential-agricultural development
- (8) **The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.** There are no known physical conditions or limitations that could preclude the use of the site; however, the developer will be required to protect and buffer any and all streams and other environmentally sensitive areas that may be located on the subject property in accordance with the City's Watershed Protection and Stream Buffer Ordinances.
- (9) **The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development Commission and City**



REZONING
EVALUATION REPORT
FILE: RZ-21-11-01

December 20, 2021
REZONING RA TO M-2

- (10) **Council may use in furthering the objectives of the Land Use Plan.** The merits of the request align with the Future Land Use Plan's purpose of analyzing land-use decisions based on how they relate to growth, economic development and the prioritization of capital improvements on local and regional levels. This project will contribute to the recent advancement of local employment opportunities, expansion of the tax base, and capital investment generated by industrial development in this area of the City.

Recommendations

To remain consistent with comparable industrial warehousing projects and character on neighboring tracts and in keeping with the established Light Manufacturing precedence of abutting and neighboring industrial properties, staff recommends Denial of the applicants request for M-2 (Heavy Manufacturing), but Approval of M-1 with the following conditions:

1. Plain painted, baked or acrylic finish corrugated metal panels shall be prohibited on all exterior walls unless otherwise approved by the Architectural Review Board, and then only as an accent feature. Primary facades shall be tilt-up concrete, brick, natural stone, glass with proper fenestration using color, materials and design to break up large expanses of wall space.
2. A lighting plan shall be submitted and approved prior to the issuance of a Certificate of Occupancy. This lighting plan shall detail cutoff-type fixtures on all buildings and in parking lots as well as a photometric plan.
3. The applicant shall be permitted to submit a stand-alone landscape plan for review by the City Council at a regularly scheduled meeting.
4. As many mature trees as possible located will be preserved and protected during construction, under the direction and supervision of a certified arborist, and remain preserved and protected when distribution operations commence.
5. The only permitted industrial uses on the site shall be warehouse and/or distribution.

Request for Zoning Map Amendment

Name of Applicant HFG Development, LLC Phone: 865-207-8847 Date: October 19, 2021
 Address Applicant: 827 Fairways Court Ste 306 Cell # 865-207-8847
 City: Stockbridge State: GA Zip: 30281 E-mail: robert@hospitalityfinancialgroup.com
 Name of Agent: Robert Knight / Al Hostford Phone: 678 898 4142 Date: October 19, 2021
 Address Agent: Same as applicant Cell # Same as applicant
 City: _____ State: _____ Zip: _____ E-mail: _____

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE TYPE OF REQUEST OR APPEAL AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

Concept Plan Review Conditional Use Conditional Exception Modifications to Zoning Conditions

Variance Rezoning DRI Review/Concurrent Amendment to the Future Land Use Plan

Request from R-A to M-2
(Current Zoning) (Requested Zoning)

Request from Industrial to No change is required
(Current Land Use Designation) (Requested Land Use Designation)

For the Purpose of Industrial Warehousing
(Type of Development)
 Address of Property: 2854 Hwy. 42 S

Nearest intersection to the property: Pine Grove Road

Size of Tract: 36.436 total acre(s), Land Lot Number(s): 233, District(s): 2 2nd

Gross Density: N/A units per acre Net Density: N/A units per acre

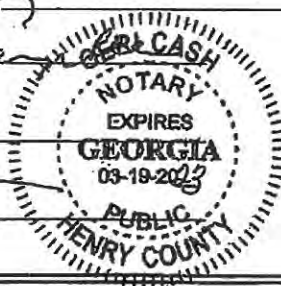
Property Tax Parcel Number: 111-01007000(portion)/111-01007001/111-01006051/111-01006052
(Required)

Witness Signature Doug Campbell Signature of Owners/s Al Hostford

Printed Name of Witness Doug Campbell Printed Name of Owners/s Al Hostford

Notary Signature _____ Signature of Agent _____

(For Office Use Only)



Total Amount Paid \$ _____ Cash _____ Check # _____ Received by: _____ (FEES ARE NON-REFUNDABLE)

Application checked by: _____ Date: _____ Map Number(s): _____

Pre-application meeting: _____ Date: _____

Public Hearing Date: _____

Council Decision: _____ Ordinance: _____

Date Mapped in GIS: _____ Date: _____

Applicant Campaign Disclosure Form

Has the applicant¹ made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application?

Yes _____ No X

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the Locust Grove City Clerk within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Council/Planning Commission Member

We certify that the foregoing information is true and correct, this 17th day of October, 2021

HFG Development, LLC by Al Hasford
Applicant's Name - Printed

Al Hasford
Signature of Applicant

NEWTON M. GALLO
Applicant's Attorney, if applicable - Printed

Newton M. Gallo
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 17 day of October, 2021



Geri Cash
Notary Public

¹ Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

Exhibit "A"

October 17, 2021

Mr. Dante Gibbs
Community Development Director
City of Locust Grove, Georgia
3644 Highway 42
Locust Grove, Georgia 30248

Re: Rezoning Application No. _____

Dear Mr. Gibbs,

We are the owners of a tract of property designated by the Henry County Tax Assessor as follows:

Parcel 111-01007000

cumulatively consisting of 14.960 acres (the "Subject Property"). The Subject Property is the subject of the above referenced rezoning application which seeks to rezone from RA (Residential Agricultural) to M-2 (Industrial). I consent to the rezoning of the Subject Property, and I have authorized HFG Development, LLC to proceed with the request to rezone.

Sincerely,

AuthenticSign
Jeffrey K. Floyd

AuthenticSign
Beth G. Floyd

October 17, 2021

Mr. Daunte Gibbs
Community Development Director
City of Locust Grove, Georgia
3644 Highway 42
Locust Grove, Georgia 30248

Re: Rezoning Application No. _____
21.29 acres

Dear Mr. Gibbs:

I am the owner of three tracts of property designated by the Henry County Tax Assessor as follows:

Parcel 111-01007001
Parcel 111-01006051
Parcel 111-01006052

cumulatively consisting of 21.29 acres (the "Subject Properties"). The Subject Properties are the subject of the above referenced rezoning application which seeks to rezone them from RA (Residential Agricultural) to M-2 (Industrial). I consent to the rezoning of the Subject Properties, and I have authorized HFG Development, LLC to proceed with the request to rezone.

Sincerely,

AuthentSign
Bonnie Carr

Exhibit "B"

October 19, 2021

Letter of Intent

Applicant/Developer: HFG Development, LLC

Property Parcels: 111-01007000
111-01007001
111-01006051
111-01006052

Proposed Use: Industrial Warehousing

HFG Development, LLC has agreed to acquire approximately 36.436 total acres along the west side of HWY 42 S, east of I-75, and south of Pine Grove Road subject to re-zoning approval. HFG plans to use the site for industrial warehousing facilities. It is anticipated that the planned development would consist of two industrial warehouse type buildings, as shown on the Conceptual Site Plan, prepared by Metro Engineering & Surveying Co., Inc., dated October 28, 2021. The proposed site plan provides for single access point off Georgia Highway 42 S.

Acreage: 36.436 total Acres
Impacted Acreage: Not yet determined
Existing Zoning: Residential-Agricultural (R-A)
Proposed Zoning: Heavy Manufacturing (M-2)
Number of Buildings Proposed: 2
Possible Building Size: 75,000 st. ft. each
Density: N/A

Exhibit "C"

Exhibit "D"

GENERAL NOTES

- 1. All dimensions are in feet and inches.
- 2. All bearings are given in degrees, minutes and seconds.
- 3. All distances are given in feet and inches.
- 4. All areas are given in square feet and square inches.
- 5. All volumes are given in cubic feet and cubic inches.
- 6. All elevations are given in feet above mean sea level.
- 7. All bearings and distances are given in feet and inches.
- 8. All areas and volumes are given in square feet and cubic feet.
- 9. All elevations are given in feet above mean sea level.
- 10. All bearings and distances are given in feet and inches.

LEGEND

- 1. Proposed boundary lines.
- 2. Existing boundary lines.
- 3. Proposed easement lines.
- 4. Existing easement lines.
- 5. Proposed utility lines.
- 6. Existing utility lines.
- 7. Proposed road lines.
- 8. Existing road lines.
- 9. Proposed drainage lines.
- 10. Existing drainage lines.
- 11. Proposed lot lines.
- 12. Existing lot lines.
- 13. Proposed subdivision lines.
- 14. Existing subdivision lines.
- 15. Proposed survey lines.
- 16. Existing survey lines.
- 17. Proposed corner markers.
- 18. Existing corner markers.
- 19. Proposed monument lines.
- 20. Existing monument lines.

PLANNED SEPARATION

CAMP PANCH 1 = 4.278 ACRES
 CAMP PANCH 2 = 4.278 ACRES
 CAMP PANCH 3 = 4.278 ACRES
 CAMP PANCH 4 = 4.278 ACRES
 TOTAL = 17.112 ACRES

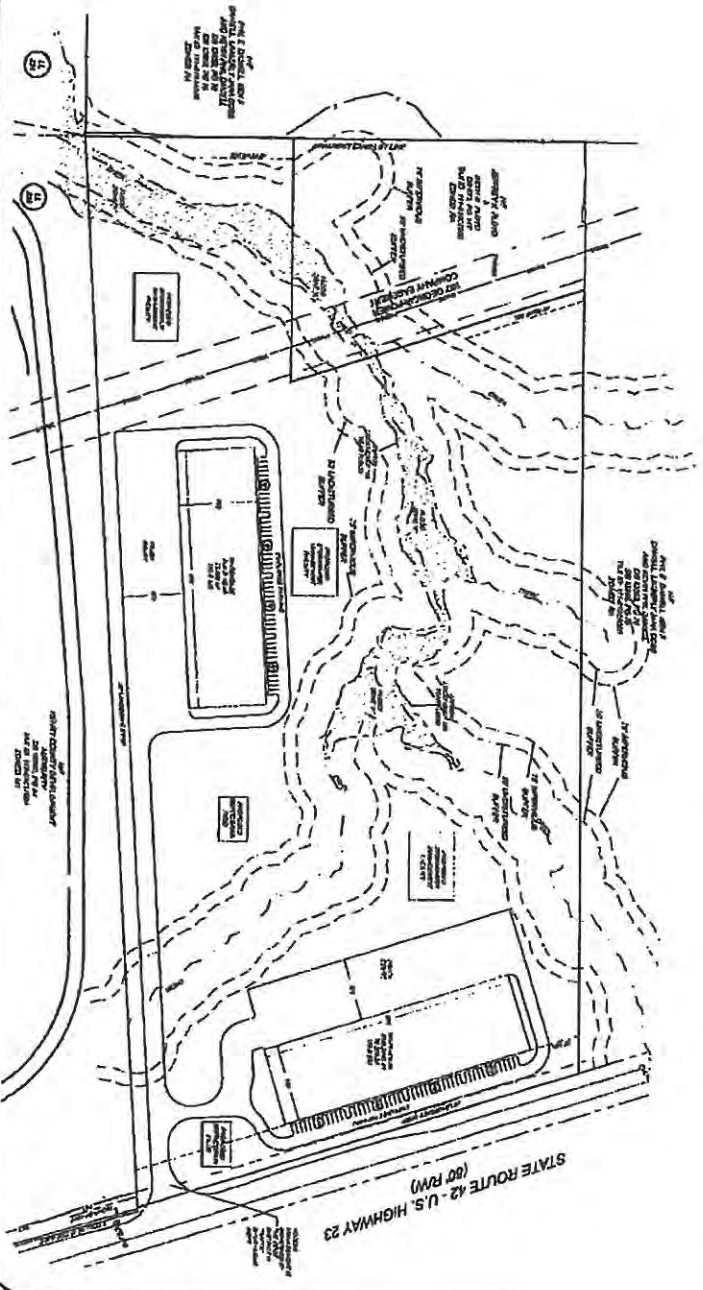


SCALE

1" = 100'

0 10 20 30 40 50 60 70 80 90 100

FOOT



CONSENT TO SUBMIT

I hereby consent to the submission of this plan to the appropriate authorities for their consideration and approval.

DATE	BY

DATE	BY

HOSPITALITY FINANCIAL GROUP
 827 PARKWAY COURT SUITE 306
 STOCKBRIDGE, GEORGIA 30281



Exhibit "E"

City Water and Sewer Service Capacity Form:

Please fill out the necessary items above for determination of available capacity for water and sewer service.

Applicant: Hospitality Finance Group, LLC

Address/Location of Request: 2854 HIGHWAY 42 S, Locust Grove, Ga

Type of Project: Commercial Residential Mixed Use

For residential or mixed-use residential, number of lots or units: _____

For commercial, amount of square feet: 150,000

Estimated water usage: TBD (GALLONS)

Estimated sewer usage: TBD (GALLONS)

STAFF ANALYSIS

Is this project within current water and sewer delivery area: _____

Does the project have access to adequate water supply: _____

Does city have adequate sewer treatment capacity for this project: _____

Are any improvements required as a result of this project: _____

If so, what types of improvements are necessary

In re:

HFG DEVELOPMENT, LLC
Rezoning Application No. _____

CONSTITUTIONAL OBJECTION TO RESTRICTIONS IN THE
ZONING ORDINANCE OF THE CITY OF LOCUST GROVE, GEORGIA

As applied to the following properties:

Tax Parcel No.: 111-01007000; 19.25 acres (partial)
Jeffrey K. and Beth G. Floyd, Owners/HFG Development, LLC, Contract Purchaser

Tax Parcel No.: 111-01007001; 5.00 acres
Bonnie D. Carr, Owner/HFG Development, LLC, Contract Purchaser

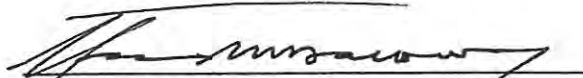
Tax Parcel No.: 111-01006051; 12.00 acres
Bonnie D. Carr, Owner/HFG Development, LLC, Contract Purchaser

Tax Parcel No. 111-01006052; 4.29 acres
Bonnie D. Carr, Owner/HFG Development, LLC, Contract Purchaser

located within the City Limits of the City of Locust Grove, Georgia and as identified pursuant to the current parcel numbers assigned by the Henry County Tax Assessor (the "Subject Properties"), each being zoned Residential Agricultural (RA), subject of the above-referenced Rezoning Application, the Zoning Ordinance of the City of Locust Grove, Georgia, the current RA zoning is unconstitutional in that the Owners' and Contract Purchaser's (cumulatively, "Applicants") property rights in and to the Subject Properties have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the Subject Properties, the Zoning Ordinance of the City of Locust Grove, Georgia deprives the Applicants of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State

Rezoning Application and rezone the Subject Properties to M-1 Light-Industrial as specified and requested herein.

GALLOWAY & LYNDALL, LLP
Counsel for HFG DEVELOPMENT, LLC



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770) 233-6230
ngalloway@gallyn-law.com

In re:

HFG DEVELOPMENT, LLC
Rezoning Application No. _____

EVIDENTIARY OBJECTIONS TO ZONING HEARING BASED ON
YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the following properties:

Tax Parcel No.: 111-01007000; 19.25 acres (partial)
Jeffrey K. and Beth G. Floyd, Owners/HFG Development, LLC, Contract Purchaser

Tax Parcel No.: 111-01007001; 5.00 acres
Bonnie D. Carr, Owner/HFG Development, LLC, Contract Purchaser

Tax Parcel No.: 111-01006051; 12.00 acres
Bonnie D. Carr, Owner/HFG Development, LLC, Contract Purchaser

Tax Parcel No. 111-01006052; 4.29 acres
Bonnie D. Carr, Owner/HFG Development, LLC, Contract Purchaser

located within the City Limits of the City of Locust Grove, Georgia and as identified pursuant to the current parcel numbers assigned by the Henry County Tax Assessor (the "Subject Properties"), each being zoned Residential Agricultural (RA), subject of the above-referenced Rezoning Application, Owners/Contract Purchaser ("Applicants") give notice of the following evidentiary objections based on *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018):

With the Rezoning Application, Applicants filed a Constitutional Objection to the denial thereof which is incorporated herein by reference as if fully set forth.

Applicants object to comments provided by any and all members of the public presented before the Mayor and Council in opposition to the Rezoning Application to the extent that (but not limited to) such individuals lack standing to challenge the Rezoning Application because they: (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not

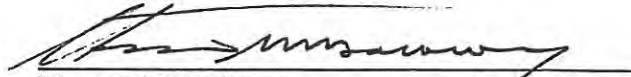
subject to cross-examination; (d) lack sufficient training or expertise to present evidence on and/or make statements that would otherwise require presentation by witness(es) constituting expert opinion without such individuals being qualified as experts; (e) present evidence on and/or make statements that are irrelevant and/or immaterial to the factors for approval of a variance under the Zoning Ordinance; and/or (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion and hearsay evidence.

Additionally, Applicants object to any action of the Mayor and Council that does not approve the Rezoning Application or approves it subject to unreasonable conditions to the extent that (but not limited to) the same are: (a) in violation of O.C.G.A. § 50-13-19(h); (b) in violation of constitutional, statutory or ordinance provisions; (c) in excess of the statutory or constitutional authority of either the Mayor and Council; (d) made upon unlawful procedure; (e) affected by other error of law; (f) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or (g) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (h) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (i) contrary to the exclusive factors for approval of a variance set forth in the Zoning Ordinance.

By and through this *York* Objection, Applicants preserve all the above and incorporated Objections and assert them on and within the record before, and for consideration and resolution by, the Mayor and Council of the City of Locust Grove, Georgia.

WHEREFORE, Applicants request that the City of Locust Grove, Georgia approve the Application set forth above.

GALLOWAY & LYNDALL, LLP.
Counsel for HFG DEVELOPMENT, LLC



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill St.
Griffin, GA 30223
(770) 233-6230
ngalloway@gallyn-law.com

Zoning Application Checklist

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING, CONDITIONAL USE, VARIANCE, MODIFICATIONS TO ZONING APPLICATIONS, AND FUTURE LAND USE PLAN AMENDMENTS. ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK
Application Form	01	<ol style="list-style-type: none"> 1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized 3. A copy of "Contract", "Power of Attorney" or "Lease" 	X
Applicant Disclosure Form	01	Required for all applicants filed whether yes or no and must be notarized	X
Letter of Ownership	01	Letter stating that the owner is aware of the zoning request and owns the property in question	Exh. "A"
Letter of Intent	01	Must clearly state the proposed use and development intent	Exh. "B"
Legal Description	01	Legal Description of property to be considered for zoning action. Must be submitted as part of ordinance of rezoning, conditional use, variance, etc.	Exh. "C"
Conceptual Site Plan(s) (24" x 36" max.)	01	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, proposed lot layout. For PD zoning, applicant must submit all additional paperwork as established in Chapter 17.04 of the Code of Ordinances.	Exh. "D"
Survey Plat (8 1/2" x 11" minimum, 17" by 22" maximum)	01	Subject Property, prepared and sealed within the last ten years by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) Include a notation as to the total acreage or square footage of the subject property. Electronic copies via PDF and/or AutoCad are required, if available.	Exh. "E"
Letter from the Henry County Water Authority (HCWA)	01	This letter of availability must accompany application at the time of submittal. For city water and/or sewer service, the availability and suitability will be determined in the rezoning evaluation by staff. Follow procedure from HCWA. For City Water/Sewer, Fill out form attached.	X
Letter from the Henry Co. Environmental Health Department (if property is not on sewer)	01	This letter of availability must accompany application at the time of submittal. This is required if on septic system.	N/A

DEVELOPMENT DATA

SITE AREA	36.198 ACRES
EXISTING ZONING	RA
PROPOSED ZONING	M-2
FRONT SETBACK	75'
SIDE SETBACK	17.25' FOR CORNER LOTS
REAR SETBACK	45'
MAX. BUILDING HEIGHT	75'
TOTAL SQUARE FOOTAGE	143,000 SF
PARKING PROVIDED	85
WATER SERVICE	HCWA
SEWER SERVICE	ON-SITE SEPTIC SYSTEMS

THIS SITE LIES WITHIN THE LIMITED DEVELOPMENT AREA OF THE HENRY COUNTY WATER-SHED PROTECTION DISTRICT. THIS SITE DOES CONFORM WITH THE STATE JURISDICTIONAL REGULATIONS AND 1981 FLOOD PLANS PER THE HENRY COUNTY FUTURE CONDITIONS FLOOD PLAN MAP FOR THIS AREA.

SURVEYORS NOTES

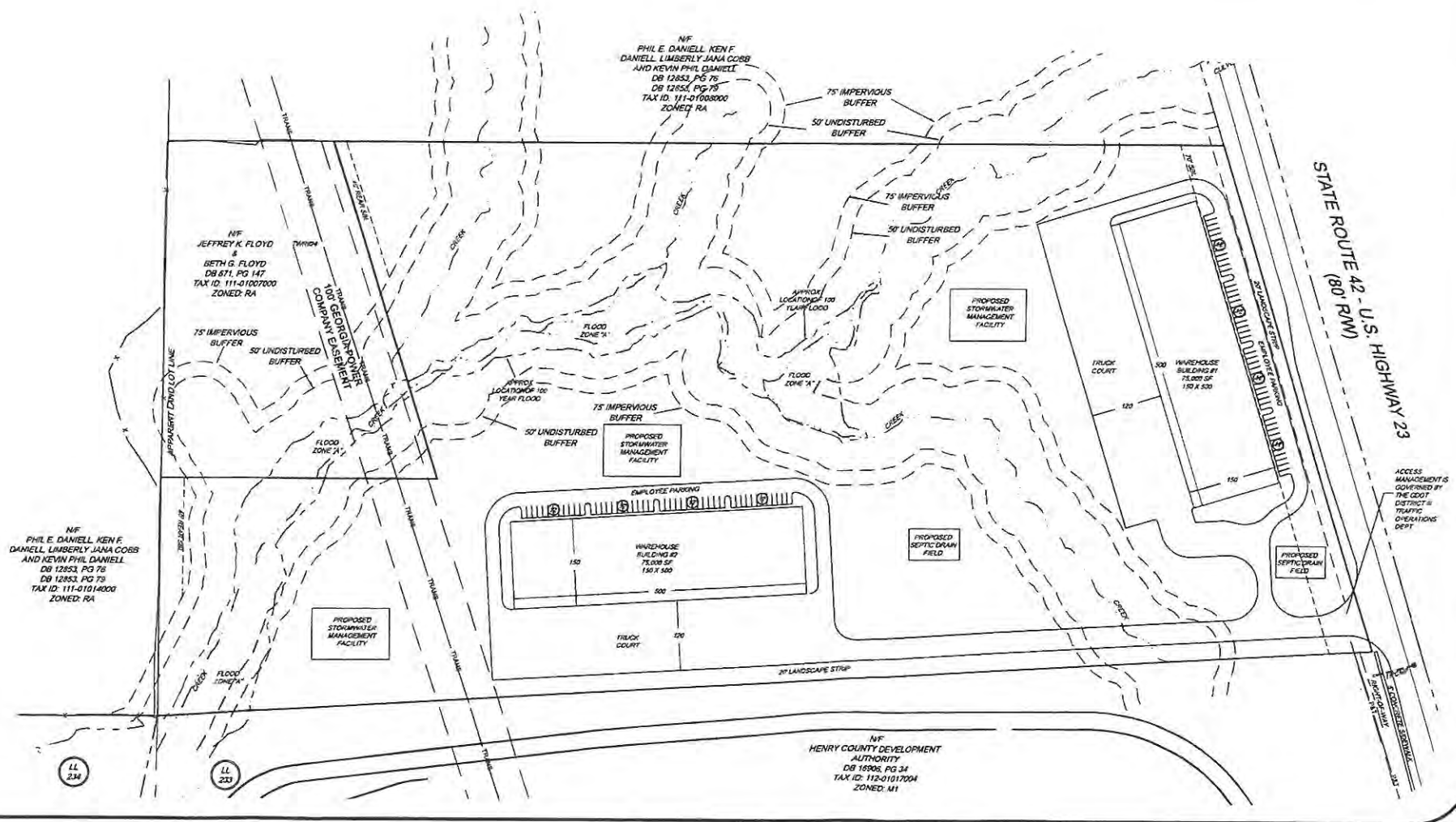
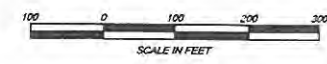
- CLOSURE STATEMENT**
- THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED WAS A CLOSURE PRECISION OF 1 FOOT IN 48,175 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
 - THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND ITS ACCURACY IS 1 FOOT IN 25,000 FEET.
- EQUIPMENT AND FIELD SURVEY STATEMENT**
- LINEAR MEASUREMENTS AND ANGULAR MEASUREMENTS OBTAINED USING A LEICA T211 TOTAL STATION.
 - FIELD SURVEY WAS COMPLETED ON 04-23-2011.
- FLOOD ZONE**
- BASED ON OROGRAPHICAL INTERPRETATION, THIS PROPERTY IS SITUATED IN FLOOD ZONE "A" (AREAS DETERMINED TO BE OUTSIDE 300 YEAR FLOODPLAIN AND PARTIALLY WITHIN ZONE "A" (BASE FLOOD ELEVATION UNDETERMINED) AS DEPICTED BY THE NEW FLOOD INSURANCE RATE MAP NO. 12151C0170D AND 12151C0257D. HAVING AN EFFECTIVE DATE OF OCTOBER 6, 2010. USERS OF THIS INFORMATION IS CAUTIONED THAT A MORE PRECISE FLOOD DELINEATION MAY BE NECESSARY.
- UTILITIES**
- OVERHEAD AND UNDERGROUND UTILITIES THAT ARE SHOWN HEREON ARE BASED UPON FIELD SURFACE OBSERVATIONS AND AVAILABLE INFORMATION ON HAND AT THE TIME OF THE SURVEY. ONLY UTILITIES THAT WERE VISIBLE AND ACCESSIBLE WERE MEASURED. SITE EXAMINATION WAS NOT DEEMED NECESSARY TO MEASURE ANY SUBSURFACE UTILITY OR FEATURE OF ANY TYPE. NOTICE IS HEREBY GIVEN THAT "TOWN WHATS BELOW" CALL BEFORE YOU DIG. UTILITY LOCATION SERVICE (BY) SHOULD BE NOTICED PRIOR TO ANY EXCAVATION OF THE SITE.
- STREAMS, BODIES OF WATER & WETLANDS**
- ALL STREAMS, BODIES OF WATER, AND WETLANDS MAY BE SUBJECT TO STATE, COUNTY AND LOCAL BUFFERS OR RESTRICTIONS. SURVEYOR MAKES NO INTERPRETATION REGARDING THESE BUFFERS OR RESTRICTIONS. USER OF THIS MAP IS CAUTIONED TO CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING POSSIBLE BUFFERS OR RESTRICTIONS.
- ARCHAEOLOGICAL & HISTORIC**
- UNLESS SHOWN HEREON, NO CEMETERIES, ARCHAEOLOGICAL OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON THIS SITE. HOWEVER, SURVEYOR HAS NOT EXAMINED THE SITE OR CONSULTED WITH A QUALIFIED PROFESSIONAL IN THIS FIELD FOR ABSOLUTE CONFIRMATION.
- CERTIFICATION**
- THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE FOR THE CLIENT NAMED HEREON AND REPRESENTS A SPECIFIC SCOPE OF SERVICES.
- REFERENCES**
- SHOWN HEREON
- HORIZONTAL DATUM**
- HORIZONTAL DATUM WAS ESTABLISHED USING RTK GPS METHODS WITH CORRECTIONS FROM THE NGS NETWORK. HORIZONTAL DATUM IS GEORGIA STATE PLANE, NAD 83, FIPS 4963.

AREA SUMMARY

CARR PARCEL 1 = 4.978 ACRES
 CARR PARCEL 2 = 11.966 ACRES
 CARR PARCEL 3 = 4.294 ACRES
 FLOYD PARCEL = 14.960 ACRES
 TOTAL = 36.198 ACRES

LEGEND

P.O.B.	POINT OF BEGINNING	(XXXXX)	DEFEDED DISTANCES
P.O.C.	POINT OF COMMENCEMENT	FBO	UNDERGROUND FIBER OPTIC
CTF	CORNER TOP PIPE FOUND	LGP	UNDERGROUND POWER
OTF	OPEN TOP PIPE FOUND	W	WATER MAIN
RF	REBAR FOUND	G	GAS MAIN
PLCP	IRON PIPE AND PLSTIC CAP PLACED	SSL	BUILDING SETBACK LINE
L	LIGHT POLE	EQP	EDGE OF PAVEMENT
P	POWER POLE	TL	TRANSMISSION LINE
SM	SANITARY SEWER MANHOLE	EM	ELECTRIC METER
OPV	OVERHEAD POWER SVC LINE	LL	LAND LOT
WV	WATER VALVE	EP	ELECTRIC BOX
WM	WATER METER	OWP	OVERHEAD POWER
GV	GAS VALVE	BLDG	BUILDING
GM	GAS METER	PAT	OVERHEAD POWER A
FW	FIRE HYDRANT	TEL	TELEPHONE
CO	CLEAN OUT	FPE	FINISH FLOOR ELEVATION
SS	SANITARY SEWER LINE	TW	TOP OF WALL
RCP	REINFORCED CONCRETE PIPE	BKC	BACK OF CURB (TOD)
CMP	CORRUGATED METAL PIPE	FDC	FIRE DEPARTMENT CONNECTION
CMF	CONCRETE MONUMENT FOUND		



CONCEPTUAL SITE PLAN

OF
 NORTH LOCUST GROVE INDUSTRIAL PARK
 FLOYD TAX PARCEL: 111-01007000
 CARR TAX PARCELS: 111-01007001, 111-01006051 & 111-01006052

PROPERTY INFORMATION	
LAND LOTS:	233
DISTRICT:	2ND
SECTION:	10A
COUNTY:	HENRY
STATE:	GEORGIA
CITY:	LOCUST GROVE

DRAWING INFORMATION	
DATE:	11-01-2011
SCALE:	1"=100'
DRAWN BY:	MHE
CHECK BY:	ARC
JOB NO.:	HFG-LG
FILE:	HFG-LG

PREPARED FOR:
HOSPITALITY FINANCIAL GROUP
 827 FAIRWAYS COURT, SUITE 306
 STOCKBRIDGE, GEORGIA 30281

FOR THE FIRM
 METRO ENGINEERING & SURVEYING CO., INC.
 GA L.S.T. #3818



EXHIBIT "C"

Public Hearing Notice

City of Locust Grove

December 20, 2021

6:00 PM

Locust Grove Public Safety Building

3640 Highway 42 South

Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated ("Zoning Procedures Law") and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday, December 20, 2021 at 6:00 PM, will conduct public hearings for the purpose of the following:

REZONING

RZ-21-11-01 HFG Development, LLC of Stockbridge, GA has submitted application requesting rezoning of 36.436 +/- acres (multiple tracts) from RA (Residential Agricultural) to M-2 (Heavy Manufacturing); Parcels: 111-01007000 (portion), 111-01007001, 111-01006051, and 111-01006052; in Land Lot 233 of the 2nd District. The applicant intends to build two 75,000 square foot warehouses.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunté Gibbs

Community Development Director - City of Locust Grove

PUBLIC

City of Locust Grove
City Council—Public Safety Building
3640 Highway 42
Locust Grove, GA 30248

REZONING
(Multiple Tracts)

From: RA
(Residential Agricultural)
TO: M-2

(Heavy Manufacturing)
Date: December 20, 2021
Time: 6:00 P.M.

NOTICE

For more information please call:
(770) 692-2321
www.locustgrove-ga.gov

AFFIDAVIT OF SIGN POSTING

Personally appeared, before the undersigned officer duly authorized to administer oaths, Mr. Brian Fornal, who, after being duly sworn, testifies as follows:

1.

My name is Brian Fornal. I am over twenty-one years of age and competent to give this, my affidavit, based upon my personal knowledge.

2.

HFG Development, LLC of Stockbridge, GA has submitted application requesting rezoning of 36.436 +/- acres (multiple tracts) from RA (Residential Agricultural) to M-2 (Heavy Manufacturing); Parcels: 111-01007000 (portion), 111-01007001, 111-01006051, and 111-01006052; in Land Lot 233 of the 2nd District.

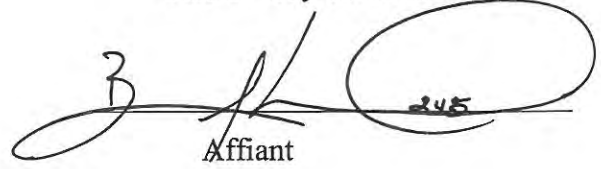
3.

On the 1st day of December 2021, I, Brian Fornal, posted double-sided sign notifications on the subject parcels advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 20th day of December 2021 at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibits "A" and "B" respectively and incorporated herein by reference. The public hearing signs were posted at the following locations:

1. Double-sided sign posted at 3:47 PM south of the intersection of Hwy 42 and Pine Grove Rd on the west side of Hwy. 42 on 12/01/2021.
2. Double-sided sign posted at 3:47 PM on subject parcel north of Colvin Dr. on the west side of Hwy. 42 on 12/01/2021.

FURTHER AFFIANT SAYETH NOT.

This 2nd day of December 2021.


Affiant

Sworn and subscribed before me
this 2nd day of _____ December _____, 2021


Notary Public



Exhibit "A"



Exhibit "B"



EXHIBIT "D"

CONDITIONS

To remain consistent with comparable industrial warehousing projects and character on neighboring tracts and in keeping with the established Light Manufacturing precedence of abutting and neighboring industrial properties, staff recommends Denial of the applicant's request for M-2 (Heavy Manufacturing), but Approval of M-1 with the following conditions:

1. Plain painted, baked or acrylic finish corrugated metal panels shall be prohibited on all exterior walls unless otherwise approved by the Architectural Review Board, and then only as an accent feature. Primary facades shall be tilt-up concrete, brick, natural stone, glass with proper fenestration using color, materials and design to break up large expanses of wall space.
2. A lighting plan shall be submitted and approved prior to the issuance of a Certificate of Occupancy. This lighting plan shall detail cutoff-type fixtures on all buildings and in parking lots as well as a photometric plan.
3. The applicant shall be permitted to submit a stand-alone landscape plan for review by the City Council at a regularly scheduled meeting.
4. As many mature trees as possible located will be preserved and protected during construction, under the direction and supervision of a certified arborist, and remain preserved and protected when distribution operations commence.
5. The only permitted industrial uses on the site shall be warehouse and/or distribution.



Main Street Department

P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: A resolution to reappoint Aggie Combs to the Locust Grove Downtown Development Authority

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: NA

Budget Item: NA

Date Received: December 13, 2021

Workshop Date: December 20, 2021

Regular Meeting Date: January 4, 2021

Discussion:

Attached is a resolution to reappoint Aggie Combs (Exhibit A) to the Locust Grove Downtown Development Authority (DDA).

Recommendation:

**I MOVE TO (APPROVE/DENY/TABLE) THE REAPPOINTMENT OF
AGGIE COMBS TO THE LOCUST GROVE DOWNTOWN
DEVELOPMENT AUTHORITY**

RESOLUTION NO. _____

RESOLUTION TO REAPPOINT AGGIE COMBS TO THE DOWNTOWN DEVELOPMENT AUTHORITY; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, the City of Locust Grove (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the Mayor and Council have determined that the need for a downtown development authority to function in the city to aid in the financing of projects for the revitalization and redevelopment of the central business district of the city which will develop and promote for the public good and general welfare trade, commerce, industry and employment opportunities within the city and the state of Georgia; and

WHEREAS, the City must appoint Board of Directors of the downtown development authority; and

WHEREAS, the term of Aggie Combs as a member on the Board of Directors of the downtown development authority expires on January 3, 2022; and

WHEREAS, the City wishes to reappoint Aggie Combs to continue serving as a Director of the downtown development authority in accordance with said Ordinance.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:

1. **Appointment.** The Mayor, by and with the advice and consent of the City Council, hereby reappoints Aggie Combs as a member of the Board of Directors of the downtown development authority, whose term will expire January 3, 2028.

2. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
3. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
4. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 3rd day of January, 2022.

Robert Price, Mayor

ATTEST:

APPROVE AS TO FORM:

Misty Spurling, City Clerk
(seal)

City Attorney



Main Street Department

P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: A resolution to reappoint Rod Shearouse to the Locust Grove Downtown Development Authority

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: NA

Budget Item: NA

Date Received: December 13, 2021

Workshop Date: December 20, 2021

Regular Meeting Date: January 4, 2021

Discussion:

Attached is a resolution to reappoint Rod Shearouse (Exhibit A) to the Locust Grove Downtown Development Authority (DDA). Councilman Shearouse serves as the City Council representative on the DDA.

Recommendation:

I MOVE TO (APPROVE/DENY/TABLE) THE REAPPOINTMENT OF ROD SHEAROUSE TO THE LOCUST GROVE DOWNTOWN DEVELOPMENT AUTHORITY

RESOLUTION NO. _____

RESOLUTION TO REAPPOINT ROD SHEAROUSE TO THE DOWNTOWN DEVELOPMENT AUTHORITY; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, the City of Locust Grove (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the Mayor and Council have determined that the need for a downtown development authority to function in the city to aid in the financing of projects for the revitalization and redevelopment of the central business district of the city which will develop and promote for the public good and general welfare trade, commerce, industry and employment opportunities within the city and the state of Georgia; and

WHEREAS, the City must appoint Board of Directors of the downtown development authority; and

WHEREAS, the term of Rod Shearouse as a member on the Board of Directors of the downtown development authority expires on January 3, 2022; and

WHEREAS, the City wishes to reappoint Rod Shearouse to continue serving as a Director of the downtown development authority in accordance with said Ordinance.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:

1. **Appointment.** The Mayor, by and with the advice and consent of the City Council, hereby reappoints Rod Shearouse as a member of the Board of Directors of the downtown development authority, whose term will expire January 3, 2028.

2. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
3. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
4. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 3rd day of January, 2022.

Robert Price, Mayor

ATTEST:

Misty Spurling, City Clerk
(seal)

Approved as to form:

City Attorney



Main Street Department

P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: **Resolutions to reappoint Jeff Mills and Rachel Devitt to the Locust Grove Historic Preservation Commission**

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: NA

Budget Item: NA

Date Received: December 15, 2021

Workshop Date: December 20, 2021

Regular Meeting Date: January 3, 2022

Discussion:

Attached are resolutions to reappoint Jeff Mills (Exhibit A) and Rachel Devitt (Exhibit B) to the Locust Grove Historic Preservation Commission.

Recommendation:

I MOVE TO (APPROVE/DENY/TABLE) THE REAPPOINTMENT OF JEFF MILLS AND RACHEL DEVITT TO THE LOCUST GROVE HISTORIC PRESERVATION COMMISSION

EXHIBIT A

RESOLUTION NO. _____

RESOLUTION TO REAPPOINT RACHEL DEVITT TO THE HISTORIC PRESERVATION COMMISSION; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, the City of Locust Grove (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the historical, cultural and aesthetic heritage of the City of Locust Grove is among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; and

WHEREAS, the City adopted a Historic Preservation Commission Ordinance on September 13, 2004 to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value; and

WHEREAS, the City wishes to reappoint Rachel Devitt as part of his continued dedication to the citizens of the City of Locust Grove by serving on the Historic Presentation Commission in accordance with said Ordinance.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:

1. **Appointment.** The Mayor, by and with the advice and consent of the City Council, hereby reappoints Rachel Devitt as a member of the Historic Preservation Commission, whose term will expire January 6, 2025.
2. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
3. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
4. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 3rd day of January , 2022.

Robert Price, Mayor

ATTEST:

Misty Spurling, City Clerk
(seal)

APPROVED AS TO FORM

City Attorney

EXHIBIT B

RESOLUTION NO. _____

RESOLUTION TO REAPPOINT JEFF MILLS TO THE HISTORIC PRESERVATION COMMISSION; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

W I T N E S S E T H:

WHEREAS, the City of Locust Grove (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the historical, cultural and aesthetic heritage of the City of Locust Grove is among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; and

WHEREAS, the City adopted a Historic Preservation Commission Ordinance on September 13, 2004 to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value; and

WHEREAS, the City wishes to reappoint Jeff Mills as part of his continued dedication to the citizens of the City of Locust Grove by serving on the Historic Presentation Commission in accordance with said Ordinance.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:

1. **Appointment.** The Mayor, by and with the advice and consent of the City Council, hereby reappoints Jeff Mills as a member of the Historic Preservation Commission, whose term will expire January 6, 2025.
2. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
3. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
4. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 3rd day of January , 2022.

Robert Price, Mayor

ATTEST:

Misty Spurling, City Clerk
(seal)

APPROVED AS TO FORM

City Attorney



Police Department
P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: Amendment of Standard Operating Procedure I-005 Criminal Investigations

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: N/A

Budget Item: Incremental – General Fund/Dept. 3230 – Public Safety

Date Received:

Workshop Date: December 20, 2021

Regular Meeting Date: January 3, 2022

Discussion:

Attached is a revision to the police department SOP Section I-005 Criminal Investigations. As you may recall, the SOP is to be reviewed and brought to you at least annually. In this instance, a recommendation is to add SOP Section I-005 Criminal Investigations in its entirety.

Recommendation:

APPROVE ORDINANCE TO AMEND CHAPTER 2.24 ENTITLED POLICE DEPARTMENT TO AMEND SECTION 2.24.030 ENTITLED “POLICE STANDARD OPERATING PROCEDURES”; TO ADOPT NEW SECTION I-005 CRIMINAL INVESTIGATIONS OF THE STANDARD OPERATING PROCEDURES; TO REQUIRE A COPY OF SAME TO BE MAINTAINED ON FILE WITH THE OFFICE OF THE CHIEF OF POLICE AND THE OFFICE OF THE CITY CLERK; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

ORDINANCE NO. _____

TO AMEND THE “STANDARD OPERATING PROCEDURES” OF THE CITY OF LOCUST GROVE; TO AMEND I-005 OF THE STANDARD OPERATING PROCEDURES; TO REQUIRE A COPY OF SAME TO BE MAINTAINED ON FILE WITH THE OFFICE OF THE CHIEF OF POLICE AND THE OFFICE OF THE CITY CLERK; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

SECTION 1. Amendment of the Police Standard Operating Procedures. The Mayor and Council hereby amend the Standard Operating Procedures of the City of Locust Grove Police Department by repealing the existing Section I-005 and replacing same with the new Section I-005 which is attached hereto and incorporated into the Code by reference and herein as Exhibit “A”. A copy of said SOP, as amended, shall be maintained in the office of Chief of Police and the office of City Clerk.

SECTION 2. Codification. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 4. Severability.

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent

allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 5. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this _____ day of _____, 2022.

ROBERT PRICE, Mayor

ATTEST:

MISTY SPURLING, City Clerk
(Seal)

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT "A"

AMENDMENTS TO THE POLICE STANDARD OPERATING PROCEDURE
FOR THE CITY OF LOCUST GROVE, GEORGIA POLICE DEPARTMENT –
January 3, 2022

_____ (amended)

LOCUST GROVE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

SECTION: I-005 CRIMINAL INVESTIGATIONS / MISSING PERSONS

EFFECTIVE DATE: June 1, 2014

NUMBER OF PAGES: 46

REVISED DATE: January 3, 2022

DISTRIBUTION AUTHORIZATION:

Chief Derrick B. Austin

I. POLICY

It shall be the policy of the Locust Grove Police Department to reduce crime through the successful completion of the criminal investigative process that should identify, cause the arrest and conviction of the suspect, and recover stolen property. The preliminary investigation is a critical step in the overall criminal investigative process. Often, the success or failure of the entire investigation is contingent on the preliminary investigation being conducted thoroughly and completely and should be conducted accordingly.

II. PURPOSE

To increase the effectiveness of the Locust Grove, Police Department's investigative efforts by establishing uniform procedures and guidelines for the preliminary and follow-up investigations of specific crime scenes involving property crimes, serious injury, natural death and violent or suspicious death.

III. SCOPE

These procedures shall apply to all sworn personnel of the Locust Grove Police Department as directed per policy.

IV. ORGANIZATION AND RESPONSIBILITIES

A. Organization

The CID supervisor shall be responsible for assisting and overseeing the investigative operations of the Locust Grove Police Department. He or she will operate under the direct authority of the Chief of Police and at all times ensure that he or she is informed of all investigations. The CID supervisor

shall complete an annual documented review and evaluation as to the effectiveness of the division. There will also be as many supervisors, detectives and officers assigned to the section as is necessary to handle the case load on a reasonable basis. All personnel assigned to CID will be non-uniformed when actively investigating cases unless otherwise directed.

B. Criminal Investigation Division

The Criminal Investigations Division purpose and responsibility is to investigate of the following types of crimes:

1. Part 1 Crimes - deaths, attempted homicides, kidnappings, aggravated assaults, shootings with injury, rapes, armed robberies, burglaries, thefts, auto thefts, arson, etc.
2. Part 2 Crimes - Fraud, embezzlement, stolen property, vandalism, prostitution, drugs, gambling, forged checks, etc.

V. CRIMINAL INVESTIGATION PROCEDURES

A. Information Development

The development of pertinent case information begins when the call for the police is received and continues until the case is cleared or made inactive. Obtaining and recording even apparently minor information is often crucial to the successful conclusion of a case.

1. Sources of departmental information that are valuable and should be utilized as needed includes, but is not limited to:
 - a. Central records files (including photos and fingerprint records).
 - b. Computer logged information.
 - c. Field interview cards/electronic records.
 - d. City Clerk's Office records.
 - e. Informant files.
 - f. HCSO website for booking formation.
 - g. Various Internet resources.

2. Outside agency information can be valuable in an investigation and should be used when appropriate. Such information includes but is not limited to:
 - a. GCIC/NCIC criminal history records information.
 - b. Vehicle registration information.
 - c. Driver's license information.
 - d. Probation and parole records.
 - e. Court records.
 - f. Tax records.
 - g. Local and federal agencies records.
 - h. Welfare and social service agency records.
3. Private organizations and agencies can also provide information valuable to investigations. Court orders may be necessary to obtain certain records. Such sources of information include but are not limited to:
 - a. Utility company records.
 - b. Telephone company records.
 - c. Bank and credit agencies.
 - d. Insurance companies.
 - e. Online subscription information services.
 - f. The Internet (World Wide Web).

B. Interviews and Interrogations

The effective use of interviews and interrogations with victims, witnesses and suspects are often crucial in solving many types of crimes.

1. Victim/Witness Interviews

- a. Detailed notes and/or a recorded tape (includes video tape and Digital Audio) should be made for future reference giving time, date, location, officers present, etc.
- b. The trauma or stress to which the victim or witness has been subjected should be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.
- c. The age, physical limitations and credibility of witnesses should also be considered.
- d. Interviews are usually voluntary. Every effort should be made to have the suspect(s), victims and witnesses come to the police department for the interview.
- e. Persons being interviewed in a voluntary setting will be advised that they are free to stop the interview and can leave at any time. No steps will be taken to limit their ability to depart.

2. Interrogation of Suspects

In the Interrogation of suspects, officers should consider these important points:

- a. Interrogation to obtain investigative leads can be very useful, but all constitutional precautions must be taken once a suspect is in custody and is going to be questioned.
- b. Detailed notes and/or a recorded audio and/or video tape should be made for future reference and court use giving time, date, location, officers present, waiver of rights, time interrogation ended, etc.
- c. Statements obtained during an interrogation must not be based on coercion, promises, intimidation or deprivation of counsel.
- d. Persons being interrogated in a voluntary setting will be advised that they are free to stop the interrogation and can leave at any time. No steps will be taken to limit their ability to depart.
- e. For a statement to be admissible in court; prior to the suspect being questioned, he or she shall be advised of their Miranda constitutional warnings and the right to counsel. The detective/officer must be able to demonstrate that the suspect understood those rights and made a knowing and intelligent waiver of those rights. Officers should stay

abreast of recent court decisions which may mandate changes in constitutional rights procedures.

- f. Juvenile suspects must be given the same constitutional protection as adults. The following additional safeguards should be followed:
 - 1) When juveniles are questioned, a parent, guardian or attorney should be present. If the parent or guardian chooses not to be present or cannot be located, the officer may continue with the interview so long as the juvenile consents to the interrogation.
 - 2) Number of officers present and duration of the interrogation should be kept to a minimum.
- g. If there is more than one (1) suspect to be interrogated, the suspects should be separated and interrogated individually.
- h. When interrogating suspects, if possible, two (2) detectives or one (1) detective and one (1) officer or supervisor should be present, one in the interview interrogation room and the other in a location to observe and conduct the Audio/Video recordings and in position or proximity to witness the "Advice of Rights Waiver and Statement" and observe and monitor the interrogation. The Investigating officer should also obtain a signed waiver of rights form.
- i. Detectives should remember that by using innovative, yet proper methods, much valuable evidence can be obtained from victims, witnesses and suspects. A flexible and effective interrogation technique can obtain valuable evidence that might otherwise be lost.
- j. When conducting investigations of incidents involving the abuse, neglect or molestation of a juvenile, the investigator will have received specialized training in:
 - 1) Interviewing and report writing techniques;
 - 2) Dealing with child victims of sexual abuse;
 - 3) Dealing with child victims of physical neglect and abuse;
 - 4) Familiarity with the use of anatomically correct dolls/drawings; and
 - 5) The use of taping and recording devices.

If personnel within the Locust Grove Police Department are not available for crimes of abuse, neglect, or molestation the Southern Crescent Sexual Assault and Child Advocacy Center will be contacted to assist with investigation of the incident.

C. Collection and Preservation of Physical Evidence

Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence that is collected and preserved.

1. All officers and detectives are responsible for the preservation of evidence and for maintaining and documenting the chain of custody of all evidence that is in their custody.
2. Most evidence collected will be handled by the detective in charge of the crime scene.
3. Officers having questions about collection and preservation of specific items of evidence should consult the detective in charge, a supervisor or the Chief of Police. If necessary, the District Attorney's Office may be contacted.

D. Surveillance and Equipment Procedures

1. The secretive observation of a person, place or vehicle is a basic police technique that can be used by all departmental units. Surveillance can be used effectively to gather evidence of illegal activity or, in the case of a stakeout, to apprehend criminals after a pattern of criminal activity has been identified.
 - a. All detectives/officers should be encouraged to use surveillance on known trouble spots and known violators as part of their efforts to suppress crime.
 - b. For specific assistance in surveillance procedures, techniques and equipment, officers should contact designated supervisors.
2. The Locust Grove Police Department has access to pieces of equipment to ensure the safety of its police personnel. One of these is the body wire, or body mic. It is designed to allow

back-up officers to monitor a police operative to ensure his / her safety, and its use is permitted upon approval from the Supervisor or Chief of Police. Members of the Locust Grove Police Department will not, under any circumstances, use a body wire for unauthorized verbal interceptions. State and federal law prohibits such use and violators can be prosecuted. Having knowledge of this activity and not reporting it will lead to prosecution and departmental discipline.

- a. To prevent unauthorized use and loss of surveillance and undercover equipment, the distribution and use of the equipment shall be approved by a Supervisor or Chief of Police.
- b. The appropriate checkout forms/logs will be used when checking out and distributing surveillance equipment.

3. Body wire

Defined as any electronic device used in a covert operation that is capable of listening/monitoring or recoding conversation and interactions.

The body wire can be used as prosecution tool when one person involved in the conversation has knowledge his or her conversation is being intercepted and permission was given beforehand. In addition to the body wire and phone intercept may be utilized to gather evidence in a criminal case. When one of the above listening or recording devices is selected, the officer must complete an equipment log prior to use. The completed log is to be approved by a supervisor documenting the case file number, date, and time in and out and condition. In all cases where police personnel or civilian police operatives are wearing or in any way using a body wire, a written permission form must be signed and witnessed prior to use of the equipment.

4. Inventory Control of Investigative tools

In addition to the procedure for the body wire and tape an inventory log will be kept in and by the Supervisor of all investigative tools (i.e., lowlight binoculars, tape recorders, etc.) borrowed for temporary use from this agency or another agency. If technical alarm systems or tracking systems are borrowed from other agencies, an inventory log must be submitted to the Supervisor. The supervisor will ensure that department owned equipment is in a state of operational readiness.

E. Criminal Background Investigations

In the course of conducting criminal investigations, it is sometimes necessary to seek out background information concerning individuals who are suspected of criminal activity. Information which is gathered during these background checks is often of a secretive and confidential nature. In order to protect the department and individual officers from possible liability, it is necessary for guidelines to be established for conducting these background investigations and dissemination of information gathered from them.

Any officer who; while investigating a criminal matter, particularly those which relate to white collar crime, organized crime, narcotics, and vice activities; decides that a background investigation is necessary, shall immediately notify his supervisor. The officer and the supervisor shall consider the following when conducting background investigations:

1. Identifying the purpose of the investigation.
2. Identifying potential sources of information.
3. Determining how the information will be used after it has been collected.
4. Controlling the distribution of related records.
5. Possible purging of these records at a future date.

In this regard, it should be remembered that the dissemination of information on suspect offenders that would not be admissible in court should be restricted to those officers who have a clear need for such information.

This regulation shall apply to background information that is gathered in relation to ongoing criminal investigations. It shall not apply to background investigations that are conducted for employment purposes.

This agency shall make use of information gathered by GCIC and NCIC by utilization of the department's computer which accesses GCIC. This utilization gives the officer/detective information about inter-jurisdiction and inter-state criminal activity.

VI. PRELIMINARY INVESTIGATION PROCEDURES

A. Duties and Responsibilities

The Locust Grove Police Department will fully investigate all reported crimes and incidents with sufficient resources provided consistent with the investigative leads and magnitude of the crime.

Upon arrival at the scene of a crime, the patrol officer or detective having responsibility for the preliminary investigation should:

1. Assess the crime scene to provide a level of safety for the officer, victim and witness. Observe and record all conditions, events and remarks.
2. Provide aid to the injured.
3. Determine if an offense has actually been committed and, if so, the exact nature of the offense.
4. Locate and identify witnesses:
 - a. Full name;
 - b. Telephone number(s);
 - c. Address;
 - d. Work information;
 - e. Name and address of a relative.
5. Protect the crime scene to ensure that evidence is not lost or contaminated prior to it being taken into custody.
6. Interview the complainant, victim and witnesses to:
 - a. Obtain description, name, address, physical, etc. of suspect(s);
 - b. Determine what information is known by witnesses, victim or complainant;
 - c. Furnish other field units through radio with a lookout including method, direction of flight and other relevant information concerning persons or vehicles wanted.
7. Arrange for the collection of evidence:
 - a. Organize and conduct searches for property or evidence.

- a. Notify a supervisor if detectives and / or evidence collection personnel are needed to collect evidence or photograph the scene;
 - b. Photograph and collect evidence if there is no need to notify detectives or supervisor for crime scene processing.
8. Determine the identity of suspect and make an arrest if it can be accomplished at the scene or through an immediate pursuit.
 9. Interview the suspect:
 - a. Read Miranda Warning; if applicable (custody and interrogation)
 - b. Use field interview techniques.
 - c. Take suspect into custody and turn over to detectives.
 10. Accurately and completely record pertinent information.
 11. Make appropriate GCIC/NCIC inquiries and/or modification and clearance referrals when applicable to the Records personnel or Communications Center.
 12. When necessary, brief supervisors, officers and/or the detective who may assume the follow-up investigation as to the known facts of the case, and advise if the suspect has been read the Miranda Warning.
 13. Check victim(s), witness(es) and suspect(s) through communications and at the Henry County Jail for possible outstanding warrants.

B. Shift Supervisor Responsibilities

Upon arrival at the scene of a crime, the Shift Supervisor shall:

1. Immediately ascertain from the patrol officers the seriousness of the incident under investigation and the basic details concerning the crime.
2. Ensure that the patrol officers conduct a thorough preliminary investigation and gather all pertinent facts and information or conduct the investigation personally.
3. Provide leadership to subordinates to ensure an efficient and effective preliminary investigation or provide training to responding patrol officers by conducting the investigation.

4. Ensure that patrol officers devote that amount of time necessary for a quality preliminary investigation without jeopardizing other important police services or assume the lead role and conduct the investigation including the writing of reports.
5. If a patrol officer writes the initial report, review the preliminary investigation reports as soon as possible to ensure completeness of the reports prior to approving them. (NOTE: If the preliminary investigation report is incomplete, the supervisor will return the report to the patrol officer for completion.) The report must be completed prior to the end of the shift. If, due to circumstances beyond the officer's control, the report cannot be completed prior to the end of the shift or if there is an error contained within the report, the approving supervisor will attach a note to said report explaining the problem. The officer will make corrections as soon as possible. The approving supervisor will be held accountable for the completeness of all preliminary investigation reports.

C. General Responsibilities

1. Except in those cases where the presence of a uniformed officer would obviously hinder a proper investigation or specific expertise is required, the preliminary investigation shall be conducted by the uniformed patrol officer or supervisor assigned to the call.
2. The assigned patrol officer or supervisor shall initiate and complete as many of the activities listed above as are necessary. The individual circumstances of the incident will determine how many of the activities are required.
3. The patrol officer or supervisor assigned shall be responsible for initiating action as necessary to inform other appropriate departmental personnel that a serious crime or one requiring immediate on-thescene, follow-up investigation by Criminal Investigations Division exists.

VII. FOLLOW-UP INVESTIGATIONS

A. Basic Functions in Non-criminal and Criminal Cases

The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to make the arrest of an offender, recover stolen property and/or discover additional facts surrounding the case.

Basic functions of the follow-up investigation in non-criminal and criminal cases include:

1. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records and results from laboratory examinations;
2. Conducting additional interviews and interrogations;
3. Locating missing persons;
4. Determining if information or suspicious activity may/does relate to criminal activity;
5. Locating lost property and returning same to the owner;
6. Investigating deaths, overdoses, suicides and injuries to determine if a crime was committed;
7. Recording information obtained during follow-up investigation (supplemental report);
8. Reviewing departmental records for investigative leads and records that may aid in bringing the investigation to a satisfactory conclusion;
9. Seeking additional information (from patrol officers, informants, contacts in the community, other investigators/agencies, etc.);
10. Interviewing victims, witnesses and suspects;
11. Arranging for the dissemination of information as appropriate (teletypes to other agencies through GCIC/NCIC, lookouts for patrol personnel, BOLOs for other department personnel and local agencies);
12. Planning, Organizing, and Conducting Searches;
 - a. Assistance from the Patrol Division will be initiated through the Shift Supervisor;
 - b. Detective in charge shall coordinate with the Shift Supervisor concerning personnel assignments and duties;

- c. Shift Supervisor will assign personnel according to instructions and needs provided by detectives or provide the necessary assistance;

- 13. Identifying and collecting physical evidence;
- 14. Recovering stolen property;
- 15. Arranging for analysis and evaluation of evidence;
- 16. Reviewing results from laboratory examinations;
- 17. Identifying and apprehending the suspect(s);
- 18. Checking for criminal history on suspect(s);
- 19. Determining if other crimes may have been committed by the suspects, establishing possibility of MO;
- 20. Consulting with the District Attorney's Office in preparing cases for court presentation and assisting in the prosecution thereof;
- 21. Attendance in court to testify.

B. Criminal Investigations Division Duties and Responsibilities

Criminal Investigations Division is responsible for determining follow-up investigation needs for all Part 1 and Part 2 cases and those patrol cases needing special attention or long-term investigation.

Criminal Investigations Division will receive a copy of all crime reports for review and will apply a formal case screening process to all crimes referred to the section to ensure that investigative resources are assigned to those cases that can most benefit from the expenditure of additional investigative effort. Screening will be based on research and experiences within the agency and solvability factors.

C. Detective Responsibility

Detectives will be responsible for:

- 1. Follow-up investigation on all cases assigned.
- 2. Developing an investigative plan for each case assigned, including:

- a. Witnesses to be interviewed.
 - b. Locations to canvas.
 - c. Records to obtain and check.
 - d. Other investigative techniques to be utilized (stakeout, photo show, etc.).
 - e. Informant information.
 - f. Making a second contact with victims and/or witnesses for possible additional information.
3. Notifying the designated Lieutenant of any change in the case status.
 4. Documenting all investigative activities.
 5. Discussing case details with another investigator or the designated Lieutenant prior to obtaining arrest and search warrants, if required.

D. Supervisor Responsibility

The Lieutenants/Supervisor will monitor patrol investigations for quality and coordination with other criminal investigations. In addition, he or she will screen all cases prior to assignment to detectives. Cases will be assigned based on the following criteria:

1. Seriousness of offense.
2. Suspect or nickname is known.
3. Tag number of suspect vehicle is known.
4. Informant information is available.
5. Traceable stolen property.
6. A series of crimes.
7. Witness who can identify a suspect.

The designated Detective or Lieutenant will be responsible for:

1. Assignment of all cases.
2. Monitoring of case progress.
3. Disposition of all arrest and search warrants.
4. Proper use of investigative techniques by detectives.
5. Determining the suspension of investigative activity due to the lack of investigative leads.
6. Quality of investigations and reports assigned to detectives.
7. Coordination of investigative efforts with the Patrol Division and other law enforcement agencies.
8. Submit monthly report of section activities to the Records Section and Chief of Police.
9. Establish work schedules and deployment tactics.
10. Coordinate and direct the section's investigative efforts.
11. Develop required records to be used for direction, monitoring and evaluation of the detective's activities.
12. Supervise personnel on a continuous basis to stay abreast of ongoing activities.
13. Be responsible for the training and development of detectives.

VIII. SOLVABILITY FACTORS

- A. For the purpose of this order, a solvability factor will be deemed to be present if any of the following factors are apparent at the end of the preliminary investigation process:
 1. The suspect or accomplice has been made; i.e. full name, partial names, nicknames or aliases).
 2. A full description of what is believed to be a distinctive partial description of the suspect or accomplice is available.

3. Significant data is available about the suspect(s) or accomplice(s), such as address or locations frequented.
4. A victim or witness could possibly identify the suspect or accomplice from a photo or in-person line-up.
5. Any property associated with the crime is traceable and/or recovered.
6. The suspect's or accomplice's vehicle license number is known completely or sufficiently known to be traceable.
7. A good description of the vehicle is known or a distinctive description of part of the vehicle or its contents is known and traceable.
8. A suspect's fingerprint(s) is obtained.
9. Significant physical evidence (either traceable or uniquely distinctive) is developed.
10. An unusual, distinctive or significant modus operandi pattern is identified.
11. There was a definite limited opportunity for anyone except the suspect(s) to have committed the crime.
12. Time frame of occurrence.

IX. CASE ASSIGNMENT

When determining the criteria for assigning cases for follow-up investigations, the designated Detective should consider research from crime analysis and documented experience of the agency.

- A. It shall be the responsibility of the designated Detective and/or Lieutenant to review all incident reports turned in by officers. He or she will assign cases for follow-up investigation based on solvability factors of each case. This decision will be based on the Investigator's or Supervisor's personal experience and the solvability factors indicated in the report. In cases requiring specialized skills and abilities (i.e. sex crimes, juvenile offenses, homicides, etc.), the case should be assigned to a particular detective who possesses the physical skills necessary to properly conduct the investigation. Once the assignment has been made, the detective has full responsibility of the case and is thus held accountable for the investigation.

A case assignment record shall be maintained in Criminal Investigations Division and shall include the following:

1. Case number.
 2. Date of occurrence.
 3. Date assigned.
 4. Type of case.
 5. Detective assigned to the case.
- B. Detectives shall make contact with victims/witnesses to determine if any new information has been discovered or remembered.
- C. Cases assigned will be reviewed by the detective supervisor within 10 days of assignment for reasons of continuation or closure.

X. CASE INVESTIGATION STATUS

A. Case Status When Not Cleared

1. Active - This status is used at the conclusion of an investigative summary when an investigation is still active and possesses a degree of solvability.

Detectives will not maintain a case report in "Active" status beyond forty-five (45) days unless a continuing flow of information and leads are available to support the "Active" status.

2. Inactive - This status is used at the conclusion of an investigative summary to indicate all investigative efforts have been exhausted, there is an unavailability of investigation resources and / or insufficient degree of seriousness and the case will be inactive pending the development of further information. The following criteria will be considered when making a case inactive:
 - a. Absence of further leads or solvability factors.
 - b. Unavailability of investigative resources.
 - c. The degree of seriousness of the crime

If new information is discovered on an inactive or unassigned case, the designated Detective or Supervisor will then assign the case to a detective. The CID supervisor will review the case before moving it to "Inactive" status.

B. Case Status Notification

It shall be the responsibility of the assigned case detective to notify the victim of any change in the case status. Notification may be made by phone or in writing within 10 working days after the status change.

C. Cleared Case Status

Cases will receive a clearance status upon conclusion of the investigation by a detective. They will be classified as follows:

1. Cleared by Arrest - An offense is cleared by arrest when one or more persons are arrested and held for prosecution.
2. Cleared/Unfounded - An offense is considered unfounded when the investigation yields no evidence to verify that the incident occurred.
3. Exceptionally Cleared - An offense is considered cleared by exception when it falls into one or more of the following categories:
 - a. The handling of a juvenile offender, either by verbal or written notice to parents in instances involving minor offenses.
 - b. Suicide of the offender (the person responsible is dead)
 - c. Double murder (two persons killed each other)
 - d. Deathbed confession (the person responsible dies after making the confession)
 - e. Offender killed by police or citizen
 - f. Confession by offender already in custody or serving sentence (this actually is a variation of a true clearance by arrest - you would not "apprehend" the offender, but in most situations like this the offender would be prosecuted on a new charge.
 - g. An offender prosecuted in another city for a different offense by state or local authorities or prosecuted in another city or state by federal

government for another offense (you attempt to return him / her for prosecution, but the other jurisdiction will not release to you).

D. Case Control/Monthly Report

The CID supervisor, for the purpose of preparing monthly activity reports, will maintain a copy of case assignment records. He or she will compile a report showing both individual stats on detectives as well as section totals. These records and reports will show the following:

1. Case number.
2. Type of crime.
3. Date of occurrence.
4. Date of assignment.
5. Case status.
 - a. No leads.
 - b. No prosecution.
 - c. Leads exhausted.
 - d. Cleared by arrest, adult, juvenile.
 - e. Counts.
6. Date case closed/inactivated.

XI. DETECTIVE'S CASE FILE

Separate case files will be maintained by CID. These case files will contain copies of all reports, supplemental reports, statements, crime lab reports, case status reports and other reports and records used for investigative purposes. These files shall be retained in accordance with state retention laws or when circumstances dictate otherwise. All case files will be accompanied by an investigative checklist form to ensure that critical areas of investigations are not overlooked. Case file will be maintained in the department report management system.

Once a case file is completed, it shall be turned in to the CID supervisor for review. All case files completed, leads exhausted, unfounded or no prosecution are reviewed for completeness and accuracy.

Case files will remain on file in the Records office, report management system or in records storage in accordance with state law or until such time as it is destroyed. When a case file is destroyed, it shall be by shredding or burning.

Every two years, the CID personnel will purge the internal files and move them to records storage.

Other files maintained in CID including informant files, monthly and annual reports and field interview reports.

XII. PROCEDURE FOR SERIOUS INJURY OR DEATH CRIME SCENE PROCESSING

A. Serious Injury

1. Upon arrival of the first officer on the scene, the officer will consult with the medical technician present (EMT) and determine if there is a serious injury or a death.
2. If there is a serious injury and not a death, the officer will allow the medical technician to treat and transport the injured.
3. The officer will secure the crime scene and detain all witnesses, if possible. If a witness must leave the location the officer shall record the name of the witness, home and work addresses and phone numbers and a brief statement of what was witnessed, if possible.
4. The officer will notify the supervisor who, if not the primary officer, will in go to the scene and evaluate the situation. The supervisor shall make the determination if a detective is needed.
5. Upon arrival, the detective will, if additional assistance is needed, contact the designated Lieutenant to obtain the needed resources.

B. Natural Death

Upon arrival of the first officer, he or she will carefully observe the scene. If the officer can determine from the immediate circumstances that the death is natural, he or she will notify the supervisor, should the supervisor not be

the primary officer. The supervisor will make a final determination as to the circumstances surrounding the death. After all questions and possibilities about the death have been satisfied and the death is considered natural, the Coroner/Medical Examiner may be called to the scene. In all cases of death, the Coroner/Medical Examiner will be notified regardless of the circumstances.

C. Violent or Suspicious Death, Homicide Cases

1. Upon arrival of the first officer on the scene, he or she will request the medical technicians to stand by and will detain all witnesses. If a witness cannot be retained, the officer shall record all required information and forward that information to the detective.
2. The officer will request a supervisor who will respond to the scene and evaluate the situation if the supervisor is not the primary officer. If a detective is needed, the supervisor shall make the determination and authorize notification. The detective shall make proper notification to the designated Lieutenant of all facts and requests regarding the case. This Lieutenant will respond to assist if the situation dictates a response.
3. The officer on the scene will remain to secure the scene and assist the detectives by detaining anyone who attempts to leave before they have been interviewed. If they cannot be detained, the officer will record their names and addresses so the detectives can follow up with an interview.
4. The officer will remain on the scene until relieved by the detective in charge.
5. The detective will call in another detective or the designated Lieutenant to prepare a search warrant for the crime scene.
6. Upon arrival of the Coroner/Medical Examiner, the detective in charge will cooperate with the Coroner/Medical Examiner so he can:
 - a. Observe the scene.
 - b. Take photographs of the body.
 - c. Jointly, with the detectives, search and remove the personal property from the deceased. The detective/evidence custodian will ensure that a complete inventory of all personal effects is made and release any non-evidentiary personal property to the Coroner/Medical Examiner for return to the person entitled to same.

7. Property of evidentiary value on the deceased or at the scene will be thoroughly inventoried by the detective/evidence custodian.
8. Upon completion of the crime scene search, the investigating detective and the Coroner/Medical Examiner will coordinate the release of the body for autopsy or other appropriate disposition.

D. Handling of Homicide Cases

The solution of a murder, together with the proper presentation of evidence, must be the responsibility of the entire department. Criminal Investigations Division and Patrol Division must all work together as a team. The responsibility for coordinating the entire investigation will rest with Criminal Investigations Division and they shall have the sole responsibility of handling the technical phases of the investigation. The first officer to arrive on the scene and other personnel will have definite responsibilities in such cases.

It should be noted that the ultimate solution to any homicide case can be seriously impaired or perhaps even completely destroyed if the scene is disturbed or contaminated by members of this department or unauthorized persons. Extreme care should be exercised in isolating the scene immediately and it should remain so until competent authority directs otherwise. To ensure all such cases are being handled in an efficient and businesslike manner, it is hereby ordered that the following procedure be followed in all homicide cases, serious assaults where death may result or any sudden deaths of a suspicious nature.

1. Duties of the First Officer to Arrive on the Scene

- a. If there is any possibility of life remaining in the victim, administer first aid and summon or have someone else summon an ambulance or nearby physician.
 1. If the victim is removed to a hospital and there is only one officer present, he shall remain and protect the scene. Notification shall be made to the Shift Supervisor who shall respond to the scene and determine if additional assistance is needed, if he is not the first/primary officer. Another officer shall proceed to the hospital to obtain a statement or report from the victim, if possible. If two officers are present, an officer will accompany the victim to the hospital and the other will remain at the scene.

2. An officer who accompanies a victim or who is sent to a hospital in such cases must in every instance make an effort to obtain a description of the assailant, his or her identity, if possible, and a complete statement of facts or dying declaration when necessary and forward any pertinent information to the investigating officer immediately.
 3. He or she shall take possession of all clothing removed from the victim at the hospital and shall caution hospital personnel against loss or destruction of other articles of clothing left on the body.
- b. Arrest perpetrator if possible.
 - c. Protect the immediate area of the crime scene, indoors and outdoors.
 1. Patrol officers will not touch or disturb anything at the crime scene. (EXCEPTION: Evidence may be taken into possession by an officer if, in his judgment, the evidence may be lost, stolen or damaged if left in its original position.) However, if evidence is removed due to extreme circumstances the officer shall note the exact location and position of the evidence and forward the information to the detective. Extreme care should be exercised not to contaminate the scene.
 2. The room or the immediate area of the crime scene will be cleared of all unauthorized persons except such officials whose presence is required and/or authorized.
 - d. Request the supervisor to respond to the scene, if not already present. Request additional officers if needed to secure/process the crime scene.
 - e. Notify the Communications Center by telephone or radio of all particulars which have been obtained, especially the description of suspect, route of escape, etc., and request whatever assistance is required; i.e. detectives, crime scene unit, Coroner/Medical Examiner, etc.
 - f. Pending arrival of Criminal Investigations Division, the officer will:
 1. See that the body is left in its original position. If it is necessary to move the body to the hospital or elsewhere, the officer will indicate the position of the body by marking with chalk, crayon, string or other means available and note same in his report.

2. Obtain names, addresses and identification of all witnesses and detain them, if possible. If not, record the necessary information.
3. Exercise every precaution to safeguard any fingerprints or other evidence, being careful to avoid destroying or impairing their value by careless handling.
4. Upon arrival of a detective or commanding officer, inform him of the following:
 - a. The witnesses being detained.
 - b. The evidence found, especially any evidence that has been handled by the officer or other people.
 - c. All other information regarding the case.
5. Enter all facts and details regarding the case in his field notes, especially such things as date and time of call, time of arrival, weather and lighting conditions, location, names and addresses of suspects and witnesses, complete identification of victim, description and location of evidence, description of crime scene, etc.
6. Remain with the members of Criminal Investigations Division under their supervision until the conclusion of the crime scene investigation.
- g. In cases requiring a prolonged investigation, the first officer on the scene may be detailed to plainclothes to work with the detectives.

2. Duties of Criminal Investigations Division

- a. Duties at the crime scene:
 1. Upon arrival the Criminal Investigations Division shall take charge of the crime scene. However, the patrol officer remains charged with the responsibility of continuing to protect the murder scene as aforementioned until the scene has been completely processed by Criminal Investigations Division and/or the Crime Scene Unit. No unauthorized person may enter the restricted area without the permission of the detective in charge of the investigation. This will

include members of this department not assigned to the investigation.

2. Call in another Detective or the designated Lieutenant to prepare a search warrant for the crime scene. Do not begin the crime scene search until the warrant has been signed by the appropriate judge.
 3. Direct the taking of photographs and the search for fingerprints and other evidence.
 4. Make required notes and sketches of the crime scene.
 5. Assist the Coroner/Medical Examiner.
 6. Record, mark, preserve and take custody of all evidence in the case and deliver the evidence to the evidence room or the crime lab for processing.
 7. Keep accurate records of the entire case, especially those records concerning:
 - a. Possession and marking of evidence and where found.
 - b. Custody of prisoners (chain of custody).
 - c. Detailed description of crime scene.
 - d. Coroner/Medical Examiner's report.
 8. Have all witnesses or other persons having knowledge of the crime taken to police headquarters for interviewing, with a detective present.
 - a. If this is impractical, an officer shall question the person and take necessary statements immediately.
 - b. Direct that such questioning be done privately and, if possible, prevent witnesses from discussing the case with each other until they have been interviewed individually.
- b. Keep communications informed of all new developments in the case, with special attention to as full and complete a description of the

assailant as possible. Also, provide the route and method of escape, weapon used and any probable injuries suffered by the attacker.

- c. Assign personnel necessary to canvas the neighborhood with detectives. These officers will question all persons who may have knowledge or information regarding the crime.
- d. Assign personnel to search the surrounding area for any evidence which may have been lost or disposed of by the assailant while in flight. Whenever possible, the detectives will supervise this search.
- e. Conduct whatever investigation necessary outside the city limits of Locust Grove, including communications or extradition processes.
- f. Review the case with the District Attorney to assure full preparation of case for trial.

3. Control of Suspect Following Arrest

- a. Whenever a suspect is arrested in a homicide case, case detective will be notified immediately. If he or she is unavailable, contact the designated Lieutenant.
- b. Clothing and other evidence from the suspect will be marked, preserved from contamination and delivered to the evidence room whenever laboratory analysis is required. Any clothing or other items covered in blood must be air dried prior to storage. **NEVER** put bloody clothes in a plastic bag, only paper bags.

E. Crime Scene Search and Investigative Reports

1. It will be the detective's responsibility to conduct a thorough crime scene search, inventory all evidence, describe all evidence and identify the location of all evidence in coordination with any crime scene personnel. This will not begin until a search warrant is obtained.
2. The detective will include the results of the crime scene search, a sketch of the crime scene, if necessary, and details of items of evidence found and released.
3. In the event of a suicide and the location of a suicide note, the detective shall preserve the suicide note for subsequent processing.

4. The detective in charge will take appropriate photographs at the scene and at the autopsy, collect appropriate evidence and submit the same to the Georgia Bureau of Investigation (G.B.I.) Crime laboratory.
5. The detective will prepare a supplemental report on photographs taken and evidence collected and any other action taken as the primary investigative officer.
6. The detective may be required to appear at the autopsy to ensure that any additional evidence is observed, collected, properly stored or submitted to the crime lab. The detective should observe the location and nature of the wounds to assist with their subsequent testimony and investigation.
7. The detective in charge of the investigation will assemble a complete investigative report including details of the crime scene search, inventory of personal property, evidence obtained, photos taken (which will be in the supplemental provided by the processing officer) and a copy of crime lab reports. The investigative file shall be turned over to the designated Lieutenant for inspection.

XIII. FORGERY AND HANDWRITING SAMPLES

Forgery: Valid checks, which have been altered in any manner, are considered forged documents. In addition, when a person cashing a check signs a fictitious name or a true name that is not his own, the crime shall be considered as a forgery, Georgia Code 16-9-1.

A. General Procedures

As soon as an officer/detective has determined he has a forgery case, he should examine the original check and determine how it has been marked by the bank.

1. Checks marked in the following manner are generally forgeries:
 - a. Unauthorized signature.
 - b. Signature irregular.
 - c. Stolen.
 - d. Cannot locate account.

- B. A passed check which has been determined to be a bad check must be presented to the magistrate and handled in accordance with Official Code of Georgia Annotated 16-9-20. This will be handled as a civil matter by this court. No other action is required by the investigating officer unless he is directed to do so by the court.
- C. In cases of forgery, it is necessary to have the original check to compare with known fingerprints and handwriting samples if a suspect has been identified. When the check is seized by the officer, it shall be handled and processed in accordance with the procedure for submitting documentary evidence. Each forged item or "counterfeit currency" shall be bagged separately and marked accordingly.
- D. Forgery cases will be completed by Criminal Investigations Division. Patrol officers will take the initial report when a detective is not available and will handle the submitting of documentary evidence when required. When a Patrol officer collects the evidence, he or she shall bag the items separately and mark the bags accordingly. If possible, the complainant should be directed to see the detectives in order to provide additional information that might be required to bring the case to a successful conclusion.
- E. Detectives investigating forgery cases shall:
 - 1. Attempt to locate the pattern (master) signature that the forger used to trace the signature of another. If this pattern signature is located, it shall be submitted as evidence and for examination.
 - 2. If the signature is simulated or copied, the detective shall have the suspect write samples of the exact signature and then submit these as evidence and for examination.
 - 3. If the detective compares a forged signature with the original and finds that the forgery is a freehand simulation, he or she shall attempt to obtain samples of the same signature from the suspect.

F. Collection of Handwriting Samples

Detectives obtaining known handwriting samples from suspects shall adhere to the following procedures:

- 1. Duplicate the original conditions as nearly as possible when having a suspect give a sample of writing; i.e. use the same size paper, same size writing area, same writing instrument -- pencil, ballpoint pen, fountain pen, etc.).

2. Have the suspect review and sign the handwriting waiver form. If the suspect refuses to sign the form, handwriting samples cannot be taken.
3. Dictate to the suspect what he is to write. Do not allow the suspect to see the original or copy of a questioned document.
4. Remove each sample of writing from the suspect's view as it is completed. This will hamper attempts on the part of the suspect to disguise his writing.
5. Do not give the suspect instructions in spelling, punctuation or paragraph arrangement.
6. If the questioned document consists of a signature or a few words, have the suspect prepare at least 25 samples of the original writing. When the signature or other writing on the back of a check is questioned have the suspect write the required number of samples on the unlined side, narrow end, of a 3 x 5 index card (or other form used).
This will duplicate endorsement conditions found on the back of a check.
7. Where the questioned document consists of a long paragraph or a number of paragraphs, have the suspect prepare at least three to five samples of the original writing.
8. Make photocopies of all original forms and place copies in the investigative file.
9. Place all forms, samples and original evidence into the evidence room to be forwarded to the crime lab or for securing evidence in accordance with departmental procedures.

XIV. ARSON INVESTIGATION PROCEDURES

A. Fire Scene Investigation/Fire Department on Scene

1. The following guidelines shall be followed whenever suspicious fires or arsons are being investigated within the City of Locust Grove and the fire department has responded:
 - a. The fire department, upon its arrival at a fire scene, will be solely responsible for determining the origin of the fire.

- b. If the origin is of a suspicious nature, then the on-call detective should also be notified.
- c. It shall be the responsibility of the fire department to conduct a preliminary fire investigation into the exact cause of the fire.
- d. The police department detective, upon his arrival at the scene, shall initiate a secondary investigation into the identity of the subject(s) responsible.
- e. Patrol officers shall assist the police department detective with the investigation or arrest as may be required.

B. Fire Scene Investigation/Fire Department Not Called

- 1. If an officer has been called to the scene of a fire which has been extinguished by someone other than the fire department and the fire department has not responded to the scene, he/she shall conduct a preliminary investigation into the origin of the fire.
- 2. If the officer determines that the fire is of a suspicious origin or an arson, he/she shall reflect this fact on the appropriate report and shall notify the Shift Supervisor.
- 3. If the officer feels that the assistance of the detective is needed and if the fire has caused extensive property damage, he/she shall notify the Shift Supervisor who shall notify the Fire Marshal and, if needed, a detective.
- 4. The detective, upon his arrival at the scene, shall assume command of the investigation. Patrol officers shall assist him or her with the investigation or arrest as may be required.

C. Investigation of Fatal Fires

- 1. Criminal Investigations Division shall be contacted on all fatal fires by the Shift Supervisor and shall be responsible for overall investigation in conjunction with fire department investigators.
- 2. Police officers responding to fatal fire scenes shall make every effort to preserve the scene. In addition, any bodies found shall not be removed, for humanitarian reasons, prior to the completion of the fire scene investigation.

XV. DYING DECLARATIONS

Department members investigating homicides shall make every effort to obtain a dying declaration from a victim of a homicide.

- A. The principal element in a dying declaration is the mental attitude of the victim. In order for a dying declaration to be admissible in court, the victim must have no hope of recovery. The detective/officer must fully interrogate the victim on this point before any statement is taken.

- B. In a case of serious assault and the victim has been taken to a hospital, the investigating officer shall request the doctor in attendance to inform the person that he is at the point of death, if such be the case, and that the doctor has no hope for his recovery. This must be done so that if a statement is made, its contents will leave no doubt in the mind of the court that the person making the statement was fully aware of his impending death and had no hope of recovery. In case of repeated interviews, the same procedure should be followed. In all cases, the dying person shall be questioned as follows:
 - 1. What is your name?

 - 2. Where do you live?

 - 3. Do you believe that you are about to die?

 - 4. Do you have any hope of recovery from injuries you have received?

 - 5. How, and in what manner, did you receive the injuries from which you are now suffering?

The statement shall be reduced to writing and signed by all witnesses present. If possible, the victim's signature should also be obtained. Answers to questions may be given by signs if the victim is unable to speak or write.

XVI. ADMISSIONS AND CONFESSIONS

- A. It is mandatory that all department members advise a person in custody of his constitutional rights prior to any interrogation. Until such rights are given, no evidence obtained as a result of a custodial interview can be used against the person in custody. Remember, it is necessary to give the Miranda warning when a person is in custody and before questioning.

Detectives/officers conducting an interview must give serious consideration to the age, education and mental and physical condition of the person in custody prior to interviewing him or her. The detective/officer must be convinced that the person in custody fully understood his or her constitutional rights and they must never threaten, trick or coerce any person in custody when trying to obtain a statement or confession.

- B. A waiver of rights form has been devised to ensure that suspect or person in custody understands all constitutional rights and desires to waive such rights. The suspect shall be advised he or she has a right to legal counsel prior to giving a statement and access to counsel if he is indigent.

Admissions or confessions by a suspect, taped, hand-written or however obtained, will be taken by the detective and it will be his discretion as to the method used.

- C. Whenever an admission or confession is typewritten or in the handwriting of a person other than the suspect, the person in custody or witness, the detective/officer shall have the suspect, person in custody or witness read the statement or confession. The admission or confession may be read aloud. The suspect, person in custody or witness will then sign the confession or statement including the date and time. The detective/officer shall do the same. If other witnesses are present, they shall sign their name in the appropriate space provided along with the date and time of signing.
- D. All possible details of the offense shall be developed, particularly details, which may be corroborated by other evidence. If the admission or confession narrative does not contain sufficient detail, the detective/officer may use a question-and-answer statement. The detective/officer shall set down the full question and allow the suspect or person in custody to speak or write the answers in his own words. This method may also be used when taking statements from witnesses or the detective may choose to use his own method.
- E. If a witness, suspect or person in custody desires the admission or confession changed in any part, he shall be requested to make the change in his own handwriting and be instructed to place his initials opposite each correction. This will be done only during the period when the admission or confession is being prepared or read and prior to final signing. Once the person has signed the admission or confession, it must not be changed. Any change desired must be made by the subject on a separate signed statement, which refers back to the first admission or confession.

If a suspect or person in custody expresses a desire to exercise his rights, the officers shall immediately stop the interview. Detectives and officers shall not give legal advice.

- F. Whenever an admission or confession is made, whether oral or written, the officer shall state such fact in the narrative portion of his report.

XVII. TECHNICAL AIDS/POLYGRAPH

When a detective is assigned a case and he or she feels that a polygraph examination may be a useful tool to their investigation, the detective may request a polygraph examination of the person(s) involved. The detective cannot force anyone to take the examination; it must be given on a voluntary basis. The detective shall consult with his or her immediate supervisor prior to scheduling a polygraph examination. A licensed operator will conduct polygraph examinations.

XVIII. ASSIGNMENT OF PATROL OFFICERS TO DETECTIVE SECTION

- A. Temporary re-assignment of patrol personnel affords the opportunity not only to strengthen the investigative process, but also to enhance career development of the individual officer, create a pool of patrol officers who possess investigative experience and provides improved preliminary investigations by patrol officers.
- B. Whenever investigative workload increases or when a special operation is underway, the designated Lieutenant shall request the from the Chief of Police additional manpower. The Chief may assign patrol officers to Criminal Investigations Division for an acceptable period up to six months when resources permit.
- C. Patrol officers assigned to Criminal Investigations Division shall report in plainclothes according to the dress code established for investigative personnel.
- D. Rate of pay for re-assigned officers shall remain the same as uniformed officers with proper recording of overtime.
- E. Patrol officers shall receive adequate training by investigators before being assigned cases.
- F. Patrol officers shall abide by policies and procedures established by the Department.

XIX. ATTENDANCE AT PATROL DIVISION ROLL CALL

Detectives may, when necessary, conduct briefings at patrol roll call to ensure cooperation between the two Divisions and enhance the exchange of information. These briefings should include information about criminal activity, crime patterns, BOLOs, any other information that needs to be disseminated and handout materials. Detectives will note the exchange of information in case files when applicable.

XX. DETECTIVES ON CALL

The designated Lieutenant will ensure that the other department supervisors are furnished with an up-to-date list of all detectives and their phone numbers who are on call after normal duty hours. Any call for a detective during this time will be cleared through the patrol shift supervisor. In the event that the detective on call cannot be located, the designated Lieutenant shall be notified. The designated Lieutenant, generally the Relief Lieutenant, will assist in the on-call rotation and respond when needed.

XXI. DETECTIVE VEHICLES

Vehicles used by Criminal Investigations Division shall be unmarked and be equipped with operational emergency lights and a siren.

XXII. INTERVIEW ROOMS

The Interview Room is designated as the departmental interview room for both detectives and uniformed personnel. This office houses the audio/video equipment to record interviews and interrogations. A procedure for access of this facility is in place for all officers to conduct interviews or interrogations and it is designed so the interview or interrogation can be observed by another detective or officer.

A. General Security Concerns

1. To provide proper security, all subjects, shall be searched prior to being brought into the interview room.
2. All subjects will be handcuffed prior to entry of the interview room. Handcuffs may be removed at the discretion of the officer/investigator conducting the interview.

3. When an officer/investigator is conducting an interview or interrogation, if possible, a second officer should be present in the room and/or observation room. If the interviewer needs assistance, he/she shall verbally and/or physically summon the officer monitoring the interrogation or utilize the “emergency” feature on their police radio.

B. Interview Room General Guidelines

1. Items in the interview room should be limited to office supplies and other items such as a table and enough chairs to accommodate the individuals in the room. Any other items brought into the room shall be at the discretion of the officer/ investigator conducting the interview.
2. The number of persons present while conducting an interview/interrogation should be kept to a minimum. Typically, no more than two officers and the person being interviewed or interrogated should be present. Special circumstances may require a parent, a guardian, legal representation, or a language interpreter.
3. Consideration must be given to the comfort of the suspect to avoid a situation, which places him or her under duress. This includes ensuring that all persons being interviewed and/or interrogated have access to restrooms and water.
 - (a) Interrogations should be limited to one (1) hour sessions between breaks. The investigating officer may use his or her own discretion in extending the one (1) hour session if based upon their experience and training they feel stopping the interrogation at that point would staunch the flow of information. Investigating officers should not extend the time out so much that it could be interpreted as coercion.
 - (b) More breaks should be given if necessary due to physical or biological reasons.
4. Prior to and after usage of the interview room, officers/investigators shall search the room for weapons and/or contraband.

XXIII. Confidential Informants

Detectives/Agents may use confidential informants to assist in the investigations by the Locust Grove Police Department or other law enforcement agencies.

A. Security of Confidential Informants Information

1. All information related to the identity and use of individual Confidential Informants will be secured.

- (a) Forms and files related to Confidential Informants will be stored in a secure file cabinet in the Locust Grove Police Department file room.
- (b) In reports, Confidential Informants will only be referred to as CI's or by a CI number.
- (c) The identity of CI's is protected from release under the Georgia Open Records Act.

B. Master Confidential Informant File

1. To use a CI, Detectives/Agents must do the following:

- (a) Complete a Locust Grove Police Department Confidential Informant form.
- (b) Take a picture of the Confidential Informant.
- (c) Check the intelligence database to determine if the potential Confidential Informant has been deactivated for misconduct.
- (d) Document the motivation for the potential Confidential Informant whether it is money, case consideration, ego, pride, civic pride, revenge, etc.
- (e) Debrief the potential Confidential Informant to collect information that the potential Confidential Informant is aware of and determine the potential Confidential Informants capabilities.
- (f) Have the potential Confidential Informant to sign an agreement and be assigned a Confidential Informant number.
- (g) Obtain a criminal history on the potential Confidential Informant.
- (h) Submit the Confidential Informant packet to the CID supervisor for approval.

2. Confidential Informants requiring special handling

- (a) Juveniles

Juveniles will not be used except in extraordinary circumstances with the prior approval of the CID supervisors and with the consent of the juvenile's parent or guardian.

(b) Probationers and Parolees

If a potential Confidential Informant is on probation or parole, the detective/agent must contact the probation officer or the parole officer to ensure that working as a Confidential Informant will not interfere with the rehabilitation of the informant. At a minimum the detective/agent will obtain consent from the probation or parole officer.

(C) Contact with Confidential Informant/Safeguards and Precaution

Detectives/Agents will only meet with a confidential informant while accompanied by another law enforcement officer, probation officer, parole officer, or prosecutor.

- 1) Undercover agents may be alone with a confidential informant only when there are cover agents monitoring the confidential informant and the undercover agent.
- (2) Whenever possible, the undercover agents and the confidential informants will be subject to audio monitoring.
- (3) Agents will not meet with a confidential informant while off duty or in a manner that could be construed as social.

(D) Documentation – A Confidential Informant report will be completed when:

- (1) Any in person meeting with a Confidential Informant will be documented.
- (2) Any contact with a Confidential Informant which provides useful information will be documented.
- (3) Any operation involving a Confidential Informant
- (4) At a minimum, detectives/agents will document a least one contact a week with a Confidential Informant that is working a case.

(E) Compensation

- (1) Payments to Confidential Informants of up to \$1000 will be approved by the CID supervisor. The Chief of Police must approve payments in excess of \$1000.
- (2) The Confidential Informant will be required to sign a money receipt in order to receive any payment and the receipt will be scanned into the case file.

XXIV. EXCULPATORY EVIDENCE

It is the policy of the department to seek the truth in all investigations. All evidence should be considered when investigating a case, and the exclusion of exculpatory evidence is not condoned. Seeking truth in justice shall always be an aim of the department in its investigations, as failure to do such could erode public confidence in the department and the criminal justice system. Accordingly, the following policies will be followed regarding the discovery of exculpatory evidence.

A. During an Investigation

During an active investigation, investigating officers shall document all evidence related to the case, inculpatory or exculpatory, in seeking the truth concerning a reported crime. Should a member of the department become aware of exculpatory evidence in a case currently under investigation by another officer or detective, both the investigating officer and the supervisor of such officer will be made aware of the evidence. Such evidence will be documented in the case management system.

B. Post-Arrest

In the event exculpatory evidence is uncovered after an arrest has been made in a case, the supervisor and the investigating officer shall be made aware of the evidence. The evidence will be documented, and a supplemental report will be filed. The supervisor, upon reviewing the evidence, will determine if the case should be assigned to a different case investigator for further work. The supervisor shall ensure the information is transmitted to the proper prosecuting authority. All actions taken and notifications made regarding the exculpatory evidence will be logged into the case management system.

C. Post-Conviction

Exculpatory evidence that comes to the attention of the department after a conviction has been entered on a case is of paramount importance to the department. Should any member of the department become aware of exculpatory evidence in a case that has been prosecuted, it will be the duty of that member to report the exculpatory evidence to the supervisor of the investigating officer without delay.

The supervisor will document the receipt of the information and shall inform the prosecuting authority without delay of the information. The department will work in concert with the prosecuting authority in investigating the new evidence or information. The supervisor shall assign a detective to the case who was not involved in the initial prosecution of the case to work with the prosecutor on the investigation into the new evidence.

All information concerning the exculpatory evidence and actions taken thereon shall be documented in the case management system. Such items to be memorialized in the case management system shall include, but not be limited to, the following:

1. Description of the evidence and when and how it was obtained.
2. Notification to prosecuting authority; and
3. Follow-up investigation.

XXV. Missing Person

Many missing person reports involve individuals who have voluntarily left home for personal reasons, while other reports are often unfounded or quickly resolved. However, there are many instances in which persons disappear for unexplained reasons and under circumstances where they may be considered at risk. The roles of the complaint taker and officer are critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy of this Department:

- That all reports of missing persons be given full consideration and attention by employees to include careful recording and investigation of factual circumstances surrounding the disappearance, and
- That particular care be exercised in instances involving missing children and those who may be mentally or physical impaired or those who are insufficiently prepared to take care of themselves.

- That the [State of Georgia Child Abduction Response Team \(CART\)](#) be utilized whenever the following has occurred:
 1. A non-family abduction of a minor child (under the age of 18).
 2. The abduction of a minor child with endangerment circumstances.
 3. Any other abduction or missing child investigation that requires immediate response in order to protect the well-being of the child; or
 4. The supervisor believes it is appropriate given the circumstances surrounding the incident.

An additional tool provided to officers, which should be used as a guiding tool, is the Investigative [Checklist for First Responders pocket guide](#) (NCMEC Order # 88) distributed by the National Center for Missing and Exploited Children, the Office of Juvenile Justice and Delinquency Prevention, and Amber Alert. This checklist can also be found at the end of this policy.

A. Reporting/Classification of Missing Persons

There is no waiting period for reporting a missing person (42 U.S.C. 5780) Missing person reports shall be taken in person or by telephone in conformance with the criteria of this policy and the criticality of the incident. A person may be declared "missing" when the person's whereabouts is unknown and unexplainable for a period that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans, or routines.

A missing child is anyone seventeen (17) years of age and under, that is being reported as missing from his/her usual location within the City of Locust Grove. Reports of juveniles who have voluntarily left home should be classified as "runaway" and forwarded to CID for follow-up.

A critical missing child is any child twelve (12) years of age and younger, that is missing or any child in poor physical or questionable mental health, or any missing child where there is an indication of foul play. Foul play is indicated if the occurrence is grossly out of character for the child, or the reporting party has sufficient reason to believe foul play has occurred. Any child missing under circumstances which would lead a reasonable person to conclude that there is

danger if the child is not located immediately (i.e., child missing outdoors in extremely harsh weather or who requires medication, etc.) will also be considered a critical missing child. The circumstances outlined in one (1) through seven (7) below would be considered a critical missing child. Refer to checklist "Attachment E" in LGPD Critical Missing Policy P008.

An individual may be considered "missing critical" or "at risk" who meets the foregoing criteria and who, among other possible circumstances:

1. Out of the zone of safety for their age and physical and mental condition - The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety shall include the immediate presence of an adult custodian, or the crib, stroller, or carriage in which the infant was placed. For a school age child, the zone of safety might be the immediate neighborhood, or the route taken between home and school.
2. Mentally diminished - If a child is developmentally disabled, emotionally disturbed, or the victim of disease, they may have difficulty communicating with others about needs, identity, or address. The disability places the child in danger of exploitation or other harm.
3. A potential victim of foul play or sexual exploitation - Significant risk to the child can be assumed if investigation reveals indications of a possible abduction, violence at the scene of abduction, or signs of sexual abuse.
4. In a life-threatening situation - The environment in which the child is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, an all-night truck stop for a young teenager, or simply an outdoor environment in inclement weather for any missing child.
5. Absent from home for more than twenty-four (24) hours before being reported to the police as missing - While some persons may incorrectly assume that

twenty-four (24) hours must pass before police will accept a missing person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.

6. Believed to be with persons who could endanger their welfare - A missing child in such circumstances is in danger not only of sexual exploitation, but of involvement in criminal activity such as burglary, shoplifting and robbery.
7. Is absent under circumstances inconsistent with established patterns of behavior - Most children to some degree have established routines that are reasonably predictable. Significant, unexplained deviations from those routines increase the probability that the person may be at risk.

A supervisor shall be notified immediately upon classification of a report as "critical missing."

Based on the outcome of the initial inquiries, a decision should be made by the officer and/or the supervisor concerning the potential danger posed to the missing person and the urgency of police response.

Periodically, a person who has not yet been reported as missing is located either by the police or a concerned citizen. If, due to the person's age or mental capacity, he is unable to tell you who he is or where he lives, the on-call detective will be called. If deemed necessary, the detective will take the person into protective custody and coordinate with D.F.A.C.S. for placement of said person.

B. Preliminary Investigation

The preliminary investigation is intended to gather additional information and to take those steps that will aid in the search for and location of a missing person. This includes gathering the following types of information and materials:

1. Complete description of the missing person (name, date of birth/age, race, complexion, sex, height, weight, hair color, eye color, etc.) and a recent

photograph. (The photograph should be attached to the report.)

2. Details of any physical or emotional problems
3. The relationship of the complainant to the missing person
4. Time and place of the last known location and the identity of anyone accompanying the missing person
5. Identity of the last persons(s) to have seen the subject, as well as friends, relatives, co-workers, or associates who were, or may have been, in contact with the subject prior to his/her disappearance
6. Plans, habits, routines, and personal interests of the subject, including places frequented or locations of particular significance to the missing person
7. Indications of missing personal belongings, particularly money and other valuables
8. Any suggestions of foul play or accident.

The officer will conduct a search of the immediate area. If additional resources (K-9, additional personnel, etc.) are required, the officer shall request such from the supervisor.

In the case of missing children, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as:

1. The presence of behavioral problems
2. Past instances of running away

3. Signs of an abusive home environment or dysfunctional family situation
4. Whether the child is believed to be with adults who may pose a danger; and
5. The name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.

When possible, officers should gain permission to search a missing child's home and school locker, as appropriate. If necessary, a search warrant will be secured.

The officer shall, as soon as basic information is available on the scene, inform E911 for an immediate look out for the missing person to all officers, and surrounding jurisdictions. E911 will enter the necessary information on G.C.I.C./N.C.I.C. for statewide lookouts.

The officer should determine if there is a possible crime scene. If it is determined that there is a possible crime scene, the officer will be responsible for securing the scene and making the appropriate notifications. In the case of persons designated as "missing critical," a supervisor may:

1. Direct that E911 periodically broadcast to all officers on duty, all information necessary to identify the missing person, and
2. Request that the shift commander authorize mobilization of resources necessary for an area search. Resources to be considered include requesting assistance from the following:
 - a) K-9 units
 - b) other departmental employees
 - c) Fire Department
 - d) Sheriff's Department, Henry County Police Department
 - e) aerial unit from the State of Georgia Public Safety or another approved/authorized helicopter
 - f) the G.B.I. Child Abduction Response Team (C.A.R.T.)

- g) public works personnel and other county departments
- h) search assistance from area volunteer groups.

If foul play (kidnapping, parental snatching, etc.) is suspected by the officer or supervisor, the supervisor will notify the Chief of Police. He/she will evaluate the resources needed and assign investigators to assist in the case regardless of the age of the missing person reported, as necessary and appropriate.

C. Follow-Up Investigation

Follow-up investigations of missing persons either adult or minor shall be the primary responsibility of C.I.D. However, Officers who acquire additional information about any aspect of the case should complete a supplemental report and forward the information to the investigator assigned to the case immediately.

The investigator assigned to the missing person case shall maintain contact with the persons or the parents of the missing minor to inform them of the following:

1. Name of the detective assigned to the case
2. Status of the case
3. Any special instructions concerning the case
4. A phone number and case number for them to contact the detective with any new information.

Follow-up investigations of missing persons may include, but not be limited to, the following actions and activities:

1. Request for the release of dental records and any fingerprints available
2. Contact hospitals and the coroner's office, as appropriate, for injured or deceased persons fitting the description of the missing person

3. Thoroughly check the location at which the missing person was last seen and conduct interviews with persons who were with the person, or who may work in, or frequent, the area
4. Conduct interviews with any additional family, friends, work associates, schoolmates, and teachers as well as school counselors and social case workers, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental snatching, or running away
5. Provide identification and related information to all employees, the neighboring police agencies and ensure periodic updates are entered on G.C.I.C./ N.C.I.C. If evidence of kidnapping or parental abduction is present, the Chief of Police may authorize notification to the G.B.I.
6. Decisions to use local media to help locate missing persons shall be made with the approval of the Chief of Police or his/her designee and the missing person's family
7. The detective shall maintain routine on-going contact with the reporting persons concerning the progress of the investigation. The reporting persons and any other relevant individuals should be informed that they must notify the detective as soon as any contact is made with the missing person.

D. Removal of Information from G.C.I.C./ N.C.I.C.

When the critical missing person has returned to the care, custody, and control of his/her parents or legal guardian and an officer has received verification of that information, either through notification from another law enforcement agency or from visual verification by the officer, and the person is no longer missing, the officer receiving that information will document such finding on a supplemental report. The supplemental report will be sent to E911 to have the information removed from G.C.I.C./ N.C.I.C.

Competent adults will be removed from G.C.I.C./ N.C.I.C. when they are located.



Police Department
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Item Coversheet

Item: Standard Operating Procedure

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: N/A

Budget Item: Incremental – General Fund/Dept. 3230 – Public Safety

Date Received:

Workshop Date: December 20, 2021

Regular Meeting Date: January 3, 2022

Discussion:

Attached is an addition to the police department SOP A-081 Social Media. As you may recall, the SOP is to be reviewed and brought to you at least annually. In this instance, a recommendation is to add SOP Section A-081 Social Media in its entirety.

Recommendation:

APPROVE ORDINANCE TO AMEND CHAPTER 2.24 ENTITLED POLICE DEPARTMENT TO AMEND SECTION 2.24.030 ENTITLED “POLICE STANDARD OPERATING PROCEDURES”; TO ADOPT NEW SECTION A-081 SOCIAL MEDIA OF THE STANDARD OPERATING PROCEDURES; TO REQUIRE A COPY OF SAME TO BE MAINTAINED ON FILE WITH THE OFFICE OF THE CHIEF OF POLICE AND THE OFFICE OF THE CITY CLERK; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

ORDINANCE NO. _____

TO AMEND THE “STANDARD OPERATING PROCEDURES” OF THE CITY OF LOCUST GROVE; TO ADD SECTION A-081 OF THE STANDARD OPERATING PROCEDURES; TO REQUIRE A COPY OF SAME TO BE MAINTAINED ON FILE WITH THE OFFICE OF THE CHIEF OF POLICE AND THE OFFICE OF THE CITY CLERK; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

SECTION 1. Amendment of the Police Standard Operating Procedures. The Mayor and Council hereby amend the Standard Operating Procedures of the City of Locust Grove Police Department by Adopting Section A-081 and replacing same which is attached hereto and incorporated into the Code by reference and herein as **Exhibit “A”**. A copy of said SOP, as amended, shall be maintained in the office of Chief of Police and the office of City Clerk.

SECTION 2. Codification. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 4. Severability.

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections,

paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 5. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this _____ day of _____, 2022.

ROBERT PRICE, Mayor

ATTEST:

MISTY SPURLING, City Clerk
(Seal)

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT "A"

**AMENDMENTS TO THE POLICE STANDARD OPERATING PROCEDURE
FOR THE CITY OF LOCUST GROVE, GEORGIA POLICE DEPARTMENT –
May 3, 2021**

_____ (amended)

LOCUST GROVE POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE

SECTION: A- 081 Social Media

EFFECTIVE DATE: January 3, 2022

NUMBER OF PAGES: 6

REVISED DATE:

DISTRIBUTION AUTHORIZATION:

Chief Derrick B. Austin

This general order establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This order is not meant to address one form of social media rather social media in general, as advances in technology will occur and new tools will emerge.

Policy

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

I. Definitions

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "web-blog."

Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This included, but is not limited to, social networking sites (Facebook, Snapchat), microblogging sites (Twitter,

Nixle), photo- and video- sharing sites (TikToc, YouTube), wikis (Wikipedia), blogs, and news sites (Digg,Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

World Wide Web: Information system on the internet which allows documents to be connected to other documents by hypertext links, enabling the user to search for information by moving from one document to another

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Web 3.0: The third generation of the World Wide WEB focused on the **creation of high-quality content and services produced by gifted individuals using** Web 2.0 technology as an enabling platform. Web 3.0 refers to specific technologies that should be able to create the Semantic Web.

Wiki: Web page(s) that can be edited collaborative-ly.

II. On-the-job use

A. Department-Sanctioned Presence

1. Determine strategy

- a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- b. Where possible, the page(s) should link to the department's official website.
- c. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

2. Procedures

- a. All department social media sites or pages shall be approved by the chief of police or his or her designee.

- b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
- c. Social media content shall adhere to applicable laws, regulation, and policies, linking all information technology and records management policies.
 - (1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - (2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
- d. Where possible, social media pages should state the opinions expressed by visitors to the page(s) and do not reflect the opinions of the department.

3. Department-Sanction Use

- a. Department personnel representing the department via social media outlets shall do the following:
 - (1) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
 - (2) Identify themselves as a member of the department.
 - (3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
- b. Not conduct political activities or private business.
- c. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.

B. Potential Uses

- 1. Social media is a valuable investigative tool when seeking evidence or information about:
 - a. Missing persons;

- b. wanted person;
 - c. gang participation
 - d. crimes perpetrated online (i.e., cyberbully-ing, cyberstalking); and
 - e. photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by:
 - a. providing crime prevention tips;
 - b. offering online-reporting opportunities;
 - c. sharing crime maps and data;
 - e. soliciting tips about unsolved crimes (i.e., Crime stoppers, text-a-tip).
 3. Social media can be used to make time-sensitive notification related to:
 - a. road closures,
 - b. special events
 - c. weather emergencies, and
 - d. missing or endangered persons.
 4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
 5. This department has an obligation to include Internet-based content when conduction background investigations of job candidates.
 6. Persons authorized to search Internet-based “social media sites”, should be deemed as holding a sensitive position.
 7. Search methods shall not involve techniques that are a violation of existing laws.
 8. Vetting techniques shall be applied uniformly to all candidates.
 9. Every effort must be made to validate Internet-based information considered during the hiring process.

III. Personal Use

A. Precautions and Prohibitions

1. Absent exceptional circumstances, law enforcement personnel may not be prohibited from having a personal website or social media profile.
 - a. Posting one’s affiliation with a law enforcement agency; however, could have an effect on future work assignments (for example, undercover assignments).

2. Locust Grove Police personnel shall not post, transmit, or otherwise disseminate any material that brings discredit to or may adversely affect the efficiency, reputation, or integrity of the agency.
 3. Photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches or badges, trademarks, or logos without prior approval from the chief of police or designee.
 4. Sexual, violent, racial, or ethnically derogatory comments, pictures, artwork, audio, video, or other material that references or may negatively affect the public perception of the agency.
 5. Text, pictures, audio, or videos of department training or work-related assignments without the permission of the chief of police or designee.
 6. Sensitive, confidential, proprietary, or classified information to which they have access due to their employment with the agency without prior permission from the chief of police or designee.
 7. Data from criminal or administrative investigations including photographs, videos, or audio recordings.
 8. Photographs of suspects, arrestees, or evidence, unless it is public information.
 9. Information about department security procedures.
 10. Employees of the department will not post, like or participate in any conversations on social media while on duty without the approval of the Chief of Police.
- B. Comments on the operations of the department, or specific conduct of supervisors or peers, that might negatively impact the public perception of the agency.
1. Department personnel should be aware that they may be subject to civil litigation.
 2. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 3. Publishing or posting private facts or personal information about someone without their permission that has not been previously revealed to the public.

IV. Reporting

A. Reporting Violation

1. Any employee becoming aware of or having knowledge of a posting or any website or web page in violation of the provisions of this policy shall notify his or her supervisor immediately.
2. Locust Grove Police Department may ask personnel to disclose any website(s) where they have posted information pertaining to their job or employment.



Administration Department

P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile: (866) 364-0996

Item Coversheet

Item: MOU for P-3 MMIP CVL Project #0014203 – GDOT (Utilities)

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: N/A

Budget Item: Yes, Enterprise Revenues and Expenditures Fund 505.

Date Received: December 15, 2021

Workshop Date: December 20, 2021

Regular Meeting Date: January 3, 2022

Discussion:

Attached is a Memorandum of Understanding with GDOT for work along I-75 for the Commercial Vehicles Lanes Project, the MMIP major investment of nearly \$2 billion for truck lanes between I-475 and Bethelhem Road.

This MOU establishes a framework whereby the City elects to use Turnipseed for design work for any relocation of utilities along the corridor (Sanitary Sewer and Water) but will be reimbursed by the P3 Contractor when chosen. The relocation costs will be by the Contractor once the project commences.

Recommendation:

APPROVE RESOLUTION OF THE CITY OF LOCUST GROVE TO ACCEPT THE MEMORANDUM OF UNDERSTANDING WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE P3 I-75 COMMERCIAL VEHICLE LANES PROJECT #0014203 FOR CERTAIN DESIGN AND CONSTRUCTION COSTS RELATED TO UTILITIES.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LOCUST GROVE TO ACCEPT THE MEMORANDUM OF UNDERSTANDING WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE P3 I-75 COMMERCIAL VEHICLE LANES PROJECT #0014203 FOR CERTAIN DESIGN AND CONSTRUCTION COSTS; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, the City of Locust Grove (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the Georgia Department of Transportation (“GDOT”) is organized by the State of Georgia for the planning, designing, construction and maintenance of roads and bridges throughout the State; and,

WHEREAS, GDOT is working on Project #0014203 for the design and construction of Commercial Vehicle Lanes along Interstate 75 (“I-75”) between Bethlehem Road and Interstate 475 (“Project”) that are a part of the MMIP program of GDOT; and,

WHEREAS, the is aware that the Project has certain effects regarding the city’s utilities within the Project Area that must be addressed with a Memorandum of Understanding; and,

WHEREAS, the City is aware that this Project is critical in the mobility of vehicles and freight within the southern portion of Henry County, including relief for the Bill Gardner Interchange and the heavily-congested State Route 155 Interchange; and,

WHEREAS, the City seeks to use Turnipseed Engineers as their designation as “City Engineer” to perform the design related to the utilities affected by the Project; and,

WHEREAS, the MOU has been reviewed for acceptance at a public meeting held by the City Council on December 20, 2021 and January 3, 2022; and,

WHEREAS, the Mayor and Council believe that acceptance of the MOU with GDOT to advance this Project in the best interest of the County and the City, and their citizens;

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:

1. **Acceptance of the Memorandum of Understanding.** The Mayor, by and with the advice and consent of the City Council, hereby accepts the MOU as attached hereto and incorporated herein as **Exhibit “A”**.
2. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
3. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
4. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 3rd day of January, 2022.

ROBERT S. PRICE, Mayor

APPROVED AS TO FORM:

ATTEST:

Misty Spurling, City Clerk

(seal)

City Attorney

EXHIBIT A

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOCUST GROVE

AND THE GEORGIA DEPARTMENT OF TRANSPORTATION

ON PROJECT #0014203

REGARDING UTILITY RELOCATION FOR THE P-3 MMIP PROJECT



Georgia DOT Project: I-75 Commercial Vehicle Lanes
GDOT P.I. 0014203

**P3 (Public-Private-Partnership)
MEMORANDUM OF UNDERSTANDING**

Between the
Georgia Department of Transportation (hereinafter DEPARTMENT)
And
City of Locust Grove (hereinafter OWNER)

Whereas the DEPARTMENT proposes to undertake a P3 Project, hereinafter referred to as the PROJECT to construct Commercial Vehicle Lanes along I-75, from the I-475 interchange to just south of Bethlehem Road and add an auxiliary lane from Bethlehem Road to SR 155 and from SR 155 to SR 20, an approximate distance of 41 miles in Monroe, Butts, Lamar, Spalding, and Henry counties, Georgia by contract as authorized by O.C.G.A. § 32-2-81; and,

Whereas the DEPARTMENT will accomplish the PROJECT through a DEVELOPER including a combination of contractors, design consultants (or design consultant team), and other entities working together to design and build the PROJECT, hereinafter referred to as DEVELOPER; and the utility owner hereinafter referred to as the OWNER, and

Whereas, pursuant to O.C.G.A. § 32-6-170(b), the DEPARTMENT has made a Public Interest Determination (PID) for this PROJECT, all costs of relocation, protection, or adjustment shall be borne by the DEVELOPER where DEVELOPER AND OWNER enter into an agreement Master Utility Adjustment Agreement (MUAA) which will allow DEVELOPER to accelerate completion of any relocation, protection, or adjustment by shifting responsibility for such costs as long as the OWNER has either prior rights or agrees to include any relocation, removal, protection or adjustment into the PROJECT with the use of OWNER pre-approved list of design consultants and contractors; and

Whereas, the DEPARTMENT and pursuant to the P3 Agreement is authorized to pay or participate in the payment of the costs of design, relocation, protection, or adjustment of OWNER'S facilities where the DEPARTMENT has made the determination that (i) such payments are in the best interest of the public and necessary in order to expedite the staging of the PROJECT; and (ii) the costs of the design, removal, relocation, protection, or adjustment of such facilities are included as part of the Contract between the DEPARTMENT and the DEVELOPER for the PROJECT; and

Whereas, time is of the essence in the completion of DEVELOPER'S duties under the Contract, DEVELOPER shall enter into a Master Utility Adjustment Agreement (MUAA), acceptable in form and terms to both the DEVELOPER and OWNER, with OWNER to provide for timely completion of any removal, relocation, protection, or adjustment.

1. Project Location Description

The P3 Project’s location is described as follows and further depicted and described in attached Exhibit A, “Proposed Construction Limits Exhibit”:

<u>Facility (Interstate or Highway No.)</u>	<u>From (Milepost/Crossroad)</u>	<u>To (Milepost/Crossroad)</u>
a. I-75	I-475 (MM 177)	SR 20 (MM 218)

2. Type of Utility

OWNER has the following Utility Facilities which may need to be adjusted or relocated as a result of the proposed Contract:

Type of facility or facilities of OWNER:

- Domestic water mains and distribution lines and associated appurtenances
- Sanitary Sewer facilities and/or Storm Drainage System
- Electrical Distribution (overhead and underground) wires, poles, etc.
- Electrical Transmission (overhead and underground) wires, poles, etc.
- Natural Gas Distribution Facilities (underground)
- Natural Gas Transmission Facilities (underground)
- Petroleum Pipeline (underground)
- Telecommunications facilities and equipment
- Cable TV facilities
- Street Lighting
- Internet Data Service
- Other Facilities (Description) Click or tap here to enter text.

3. New Utility Facilities Proposed (Betterment)

OWNER desires the following to be installed (at its own expense) as new additional facilities within the PROJECT.

Insert here or attach a detailed description of proposed new additional utility installations:

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

4. Assignment of Responsibilities for Design and Construction

This MEMORANDUM OF UNDERSTANDING and the following shall serve only as a basis for assignment of responsibilities and costs for DEVELOPER to enter into a Master Utility Adjustment Agreement (MUAA) with OWNER after the Contract is awarded to DEVELOPER by the DEPARTMENT. For a P3 project implementation, the DEPARTMENT will not have in its possession exact costing plans to be utilized to determine exact locations of the removal, relocation, protection, or

adjustment. However, Overhead/Subsurface Utility Engineering (SUE) investigations plans exist providing the best information and signifying the layout of known existing facilities at the time of the distribution of this MOU. Please use these plans for developing the final determination of services as indicated below. The DEVELOPER's plans will be provided to the OWNER after the PROJECT is awarded by the DEPARTMENT which shall be used as the final basis for the MUAA. Betterment costs will be the OWNER's responsibility.

NOTE: When the Utility Owner allows the relocation work to be included in the contract, all material cost and labor will be paid for by the DEVELOPER, excluding betterment.

OWNER hereby makes the following commitments with regard to the PROJECT:

4A. OWNER, at the DEVELOPER'S cost through a MUAA/MUAAA, will provide the following services for the properties for which it has established prior rights (Check to signify):

Design
Construction

4B. OWNER, at the DEVELOPER'S cost, will allow any removal, relocation, protection, adjustment and/or design of its facilities to be placed into the DEPARTMENT'S contract for the following services (Regardless of Prior Rights) pursuant to O.C.G.A. § 32-6-170(b). The DEVELOPER will add the removal, relocation, protection, materials, adjustment and/or design cost, excluding betterment, to the overall PROJECT's cost. (Check to signify):

Option 1: Work to be performed by the OWNER's pre-approved Design Consultants and/or Contractors at the DEVELOPER'S cost.

Design
Construction

Option 2: Work to be performed by the DEVELOPER at the DEVELOPER'S cost (Check to signify):

Design
Construction **If both are checked, please leave page 10 blank.**

As per this section, all work necessary for the removal, relocation, protection, or adjustment of the described utilities in accordance with the plans when approved shall be included in the PROJECT contract and accomplished by the DEVELOPER except as follows (Check none or list any work items to be performed by the OWNER)

None

Excluded Items [Click or tap here to enter text.](#)
[Click or tap here to enter text.](#)

Click or tap here to enter text.

Comments: Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

4C. OWNER, at OWNER'S cost, will provide the following services (Check to signify):

Design

Construction

If construction under item 4C is selected, please fill out exhibit B.

The following is hereby mutually agreed to and understood by both parties:

1. The DEPARTMENT shall require the DEVELOPER to coordinate reviews of the utility relocation information and obtain acceptance from the OWNER and DEPARTMENT when required. If the preliminary plans indicate that no conflict exists, and the OWNER concurs with this information, the OWNER shall provide a letter of "no conflict", and submit a GUPS No Conflict permit.
2. Any OWNER claiming the existence of a prior right with the respect to a Utility Adjustment shall be responsible and have the burden of establishing such claim. In such case, the OWNER shall be required to provide the DEVELOPER with all supporting documentation to substantiate its prior right claim with respect to a Utility Adjustment. In the event the DEVELOPER and the OWNER are unable to reach an agreement with respect to a prior right claim within 30 days from the OWNER's submission to the DEVELOPER of the supporting documentation, then the DEVELOPER shall submit such information to the DEPARTMENT for the DEPARTMENT's determination of the existence of the OWNER's prior right. Any such determination by the DEPARTMENT will be made within 60 days of the receipt of the DEVELOPER'S submission.
3. If the OWNER chooses to perform their own relocations and the OWNER holds no property interest as stated above; the OWNER shall confirm in writing to the DEVELOPER that the OWNER will relocate its own facilities at no cost to the DEVELOPER or the DEPARTMENT.
4. All construction engineering and contract supervision shall be the responsibility of the DEVELOPER to ensure that all utility work included in the contract is accomplished with the contract's plans and specifications. The DEPARTMENT shall cause the DEVELOPER to consult with the OWNER before authorizing any changes or deviations which affect the OWNER's facilities.
5. For Utility work included in the contract, the OWNER shall ensure that the construction and installation of the OWNER's facilities are performed by an OWNER pre-approved contractor. For utility work included in the contract, the OWNER or OWNER's consultant shall have the right to visit and inspect the work at any time and advise the DEVELOPER and the DEPARTMENT of any observed discrepancies or potential issues. The DEPARTMENT shall cause the DEVELOPER to notify the OWNER when all utility work is completed and ready for final inspection by the OWNER.

6. Upon Maintenance Acceptance or Final Acceptance of the utility work included in the contract and upon certification by the DEPARTMENT’S project manager and the OWNER that the work has been completed in accordance with the plans and specifications, the OWNER will accept the adjusted, relocated, and additional facilities and will thereafter operate and maintain said facilities located within the PROJECT right of way subject to the DEPARTMENT’S Utility Accommodations Policy and Standards Manual (UAM), current edition” and any agreements in effect without further cost to the DEPARTMENT or it’s DEVELOPER. Final acceptance of the utility relocation work is accomplished by the execution of the Utility Facility Relocation Acceptance Form. The DEVELOPER shall provide the OWNER with a complete set of “As-Built Plans” for review and approval reflecting the relocation work performed by the DEVELOPER. Upon completion of the Utility Facility Relocation Acceptance Form and the exchange of the final OWNER approved “As-Built Plans”, the OWNER will operate and maintain the installed facilities going forward based on the date of execution of the Utility Facility Relocation Acceptance Form by the DEPARTMENT.
7. For the purpose of utility coordination, relocation and reimbursement matters, the OWNER shall cooperate with the DEVELOPER in the same manner as if coordinating directly with the DEPARTMENT in accordance with the laws of the State of Georgia, the DEPARTMENT’S “Utility Accommodation Policy and Standards Manual, current edition” and any agreements in effect between the DEPARTMENT and OWNER. The OWNER agrees to cooperate in good faith with the DEVELOPER and to respond to all reasonable requests for information or meetings required to reach a resolution of any disputed items.
8. All Utility work included in the PROJECT’s contract and Utility work completed by the OWNER that is reimbursed by the DEVELOPER through an agreement shall be in accordance with the BUY AMERICA requirements of the Federal regulations (23 U.S.C. 313 and 23 CFR 635.410) all manufacturing processes for steel and iron products or predominantly of steel or iron furnished for permanent incorporation into the work on this project shall occur in the United States. The only exception to this requirement is the production of pig iron and the processing, pelletizing and reduction of iron ore, which may occur in another country. Other than their exceptions, all melting, rolling, extruding, machining, bending, grinding, drilling, coating, etc. must occur in the United States.
 - a. Products of steel include, but are not limited to, such products as structural steel piles, reinforcing steel, structural plate, steel culverts, and guardrail steel supports for signs, signals and luminaires. Products of iron include, but are not limited to, such products as cast iron frames and grates and ductile iron pipe. Coatings include, but are not limited to, the applications of epoxy, galvanizing and paint. The coating material is not limited to this clause, only the application process.
 - b. A Certificate of Compliance shall be furnished for steel and iron products as part of the backup information with the billing. Records to be maintained by the Developer for this certification shall include a signed mill test report and a signed certification by each supplier, distributor, fabricator, and manufacturer that has handled the steel or iron product affirming that every process, including the application of a coating, performed on the steel or iron product has been carried out in the United States of America, except as allowed by this Section. The lack of these certifications will be justification for rejection of the steel and/or iron product or nonpayment of the work.
 - c. The requirements of said law and regulations do not prevent the use of miscellaneous steel or iron components, subcomponents and hardware necessary to encase, assemble and construct the above

products, manufactured products that are not predominantly steel or iron or a minimal use of foreign steel and iron materials if the cost of such materials used does not exceed one-tenth of one percent (0.1%) of the total contract price or \$2,500.00, whichever is greater.

This Memorandum of Understanding will be incorporated into the P3 Project Contract by reference or Exhibit.

THE CITY OF LOCUST GROVE, GEORGIA

BY: _____
Robert Price, Mayor

Click or tap to enter a date.
(Date)

ATTEST

Misty Spurling, City Clerk

[SEAL]

APPROVED AS TO FORM:

City Attorney

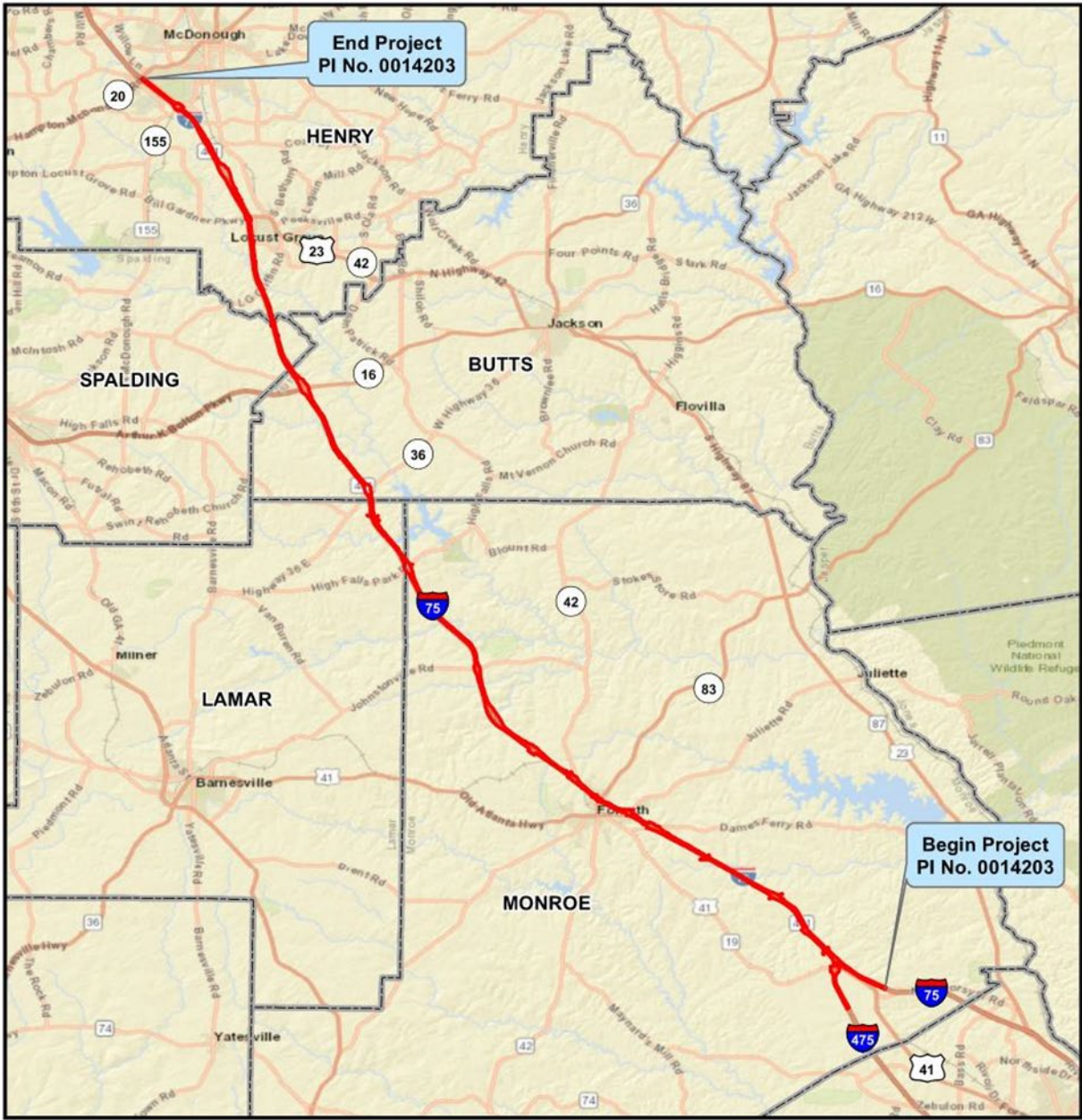
APPROVED FOR DEPARTMENT BY:

(Signature)

Click or tap to enter a date.
(Date)

STATE UTILITIES ENGINEER

EXHIBIT A
Project Map




<p>I-75 Commercial Vehicle Lanes at I-475 to SR 155 PI No. 0014203 Butts, Henry, Lamar, Monroe & Spalding Counties</p> <p>Project Location Map</p> <p><small>Source: ESRI, USGS, HERE, NPS, NRCAN, GeoBase</small></p>	<p>Legend</p> <ul style="list-style-type: none">— Project Location— County Boundary <p>0 2 4 6 8 10 Miles</p>	<p>N</p> 
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EXHIBIT B

OWNER MANAGED UTILITY ADJUSTMENT FACILITIES

(At Owners costs)

Facility Description and Location:

1. Click or tap here to enter text.
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EXHIBIT C

UTILITY OWNER PRE-APPROVED CONTRACTOR/CONSULTANT LIST

Pre-Approved Contractors

Company Name Click or tap here to enter text.

Address Click or tap here to enter text.

Phone Click or tap here to enter text.

Contact Person Click or tap here to enter text.

E-Mail Click or tap here to enter text.

Company Name Click or tap here to enter text.

Address Click or tap here to enter text.

Phone Click or tap here to enter text.

Contact Person Click or tap here to enter text.

E-Mail Click or tap here to enter text.

Company Name Click or tap here to enter text.

Address Click or tap here to enter text.

Phone Click or tap here to enter text.

Contact Person Click or tap here to enter text.

E-Mail Click or tap here to enter text.

Pre-Approved Design Consultants

Company Name Turnipseed Engineers

Address 2255 Cumberland Parkway Building 400, Atlanta, GA 30339

Phone (770) 333-0700

Contact Person J. Lamar Rogers, P.E.

E-Mail lrogers@gbtengineers.com

Company Name Click or tap here to enter text.

Address Click or tap here to enter text.

Phone Click or tap here to enter text.

Contact Person Click or tap here to enter text.

E-Mail Click or tap here to enter text.

Company Name Click or tap here to enter text.

Address Click or tap here to enter text.

Phone Click or tap here to enter text.

Contact Person Click or tap here to enter text.

E-Mail Click or tap here to enter text.



Administration Department

P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: Ordinance for Appointments for Calendar Year 2022

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: N/A

Budget Item: N/A

Date Received: December 15, 2021

Workshop Date: N/A

Regular Meeting Date: January 3, 2022

Discussion:

Attached is the Ordinance for appointment of offices for the City of Locust Grove for the 2022 Year. Appointments have remained pretty much the same as in the prior year with exception of Pro Tem to allow for rotation among Council.

Recommendation:

APPROVE (DENY/TABLE) AN ORDINANCE FOR APPOINTMENT OF OFFICES OF THE CITY OF LOCUST GROVE; TO PROVIDE FOR RECORDATION OF THIS ORDINANCE; TO REPEAL INCONSISTENT ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. _____

AN ORDINANCE FOR APPOINTMENT OF OFFICES OF THE CITY OF LOCUST GROVE; TO PROVIDE FOR RECORDATION OF THIS ORDINANCE; TO REPEAL INCONSISTENT ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Locust Grove (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia (“State”), and is charged with certain enumerated public purposes under the Constitution and laws of the Sate, including the right to establish, abolish, merge, or consolidate offices, positions of employment, departments and agencies of the City that are necessary for the proper administration of the affairs and government of the City; and

WHEREAS, the Mayor nominates for appointment the following persons for the following offices for the 2022 Calendar Year in accordance with Article III, Section 3.10 of the City Charter;

THEREFORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

SECTION 1. Appointments of Office. The City Council approves the Mayor’s recommended appointments as follows for the 2022 Calendar Year, as conditioned by an asterisk (*):

Office	Name
Mayor Pro Tem:	Keith Boone
City Attorney:	Andrew J. Welch, III and the law firm of Smith Welch Webb & White
City Manager:	Tim Young
Assistant City Manager:	Gurdon (Bert) Foster
City Clerk:	Misty Spurling
Assistant City Clerk:	Jennifer Adkins
Chief of Police:	Derrick Austin
Public Works Director:	Jack Rose
Community Development Director:	Daunté Gibbs
City Engineer:	G. Ben Turnipseed Engineers
Judge:	Donald Patton
Judge Pro Tem:	William Turner
Court Solicitor:	Casey Crumbley
Court Solicitor Pro Tem:	Tim Haley
Court Appointed Attorney:	Natalie Fears Sundeen
Election Supervisor:	Henry County Elections Board (by agreement)
Police Chaplain	Kenny Heath

All appointments are for a one-year term and are “at-will” positions. All appointed officers’ actions are governed by the City’s charter, ordinances and personnel policy, unless exempt therefrom, as well as applicable state and federal law. For non-contract appointees the salaries are established through the budget and each of these positions is exempt except for FMLA.

The positions will terminate at 11:59 PM on the day of the first regular scheduled meeting of the City of Locust Grove for 2021 unless the Council otherwise acts prior to said date and time.

SECTION 2. Additional Documents. The City Council of the City of Locust Grove authorizes the Mayor to execute any additional documents which may be necessary to effectuate this Ordinance, subject to approval as to form by the City Attorney.

SECTION 3. Recordation. The City Clerk is hereby directed to record this Ordinance in the official minutes of the City.

SECTION 4. Severability.

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 3rd day of January, 2022.

ROBERT PRICE, Mayor

ATTEST:

MISTY SPURLING, City Clerk
(Seal)

APPROVED AS TO FORM:

CITY ATTORNEY

Recommendation