

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, August 3, 2010, in the Commission Meeting Chambers at the Oconee County Courthouse.

Members Present: Chairman Melvin Davis
Commissioner Jim Luke
Commissioner John Daniell
Commissioner Margaret Hale
Commissioner Chuck Horton

Staff Present: Administrative Officer Alan Theriault
County Clerk Gina M. Lindsey
County Attorney Daniel Haygood

BR White, Planning Director
Brad Callender, Planner
Chris Thomas, Utility Director
Emil Beshara, Public Works Director
Jeff Benko, Finance Director
Steve Hansford, Code Enforcement Director
Rusty Haygood, Econ Develop Director
Peggy Holcomb, Tourism Director
John Gentry, Parks and Recreation Director

Media Present: Vinnie Williams, The Oconee Enterprise
Blake Giles, The Oconee Enterprise
Erin France, Athens Banner Herald

Chairman Davis began the meeting with a moment of silence. Commissioner Luke led the Pledge of Allegiance.

Approval of the Agenda: On motion by Commissioner Hale and second by Commissioner Daniell, the agenda for the July 6, 2010 meeting was unanimously approved with moving the discussion on leasing property for the Welcome Center to Executive Session.

Commissioners Remarks: Chairman Davis encouraged the public to vote in the current runoff election.

Economic Development Director Rusty Haygood invited the public to four free informational workshops covering different business topics. The sessions will be held at 6:30 p.m. on the third Monday of each month from August through November at the Oconee County Civic Center.

Citizen Remarks: None.

Minutes: On motion by Commissioner Luke and second by Commissioner Horton, Minutes of the July 6 and July 27, 2010 meetings were approved as distributed.

Unified Development Code Amendment - Soaps: The Board held a Second Reading and Public Hearing on an Amendment to the Unified Development Code to create an allowable use for Handmade Soaps and Soaps and Detergents. Planning Director B.R. White said the Amendment would allow the manufacturing of soaps in A-1, B-1, B-2 and TB zoning districts as a Special Use and in Industrial zoned districts as an allowable use.

Erica Ferrari asked about the current limitations regarding location and size.

Suzanne Bourgeois read a prepared statement to the Board in support of her desire to build a 2400 sq. ft. barn type building for making handcrafted soap on her A-1 zoned property.

Bob Smith said he was not concerned with handmade soaps, but did not support soap and detergent manufacturing in an agricultural zone.

There being no further public comment, the Public Hearing was closed.

The Board discussed the principle concern of manufacturing soap vs. handcrafting soap in an agricultural district.

Commissioner Hale made the motion to approve an Amendment to the Unified Development Code to create an allowable use for Handmade Soaps and Soaps and Detergents as presented.

Commissioner Luke seconded the motion. Commissioners Hale and Luke voted yes. Commissioners Horton and Daniell voted no. Chairman Davis voted no. The motion was denied.

Commissioner Horton made the motion to approve an Amendment to the Unified Development Code to create an allowable use for Handmade Soaps and Soaps and Detergents with striking out A-1 zoning. Commissioner Daniell seconded the motion. Commissioners Horton and Daniell voted yes. Commissioners Hale and Luke voted no. Chairman Davis voted yes. The motion was approved. **See Documentation in Ordinances and Resolutions Book No. 19.**

Rezone Request No. 5962 – RWJ, Inc. (Rodney Jones): The Board held a public hearing on Rezone Request No. 5962 by RWJ, Inc., ±22.28 acres, located on Mars Hill Road, Shenandoah Drive, Fern Hill Road and Wood Fern Way, from R-1 to R-1 with modifications.

With concurrence of the applicant's representative, Planner Brad Callender presented the staff reports for Rezone Request No. 5962 and Variance Request No. 5963 at the same time.

Ken Beall, representing the applicants, said the modification is requested to incorporate an additional five undeveloped lots from Fern Hill Subdivision into the planned expansion of Meridian Subdivision Phase 2.

Mr. Beall noted the incorporation of existing lots from Fern Hill Subdivision would result in the project boundary of Meridian Subdivision being relocated adjacent to the existing cul-de-sac on Wood Fern Way. He explained the applicant is also requesting a hardship variance to eliminate the required separation distance of 80 feet between a project boundary and a cul-de-sac.

The hearing was opened for public comment. Alan Thomas, representing the residents of Fern Hill Subdivision, spoke in opposition to the rezone request. Mr. Thomas stated the current residents bought into the original site plan for their subdivision and should be afforded a reasonable expectation that the final plan would not change.

Scott Ardoin, Fern Hill Subdivision homeowner, expressed concerns with decreased property values, homes backing up to the subdivision, and alterations to the final plan.

There being no further public comment, the Public Hearing was closed.

The Board discussed the potential detrimental effects on Fern Hill Subdivision and its Homeowners Association.

Commissioner Horton made the motion to deny Rezone Request No. 5962 by RWJ, Inc., ±22.28 acres, located on Mars Hill Road, Shenandoah Drive, Fern Hill Road and Wood Fern Way, from R-1 to R-1 with modifications. Commissioner Hale seconded the motion. Commissioners Horton, Hale and Luke voted yes. Commissioner Daniell voted no. The motion passed. **See Documentation in Ordinances and Resolutions Book No. 19.**

Variance Request No. 5963 – RWJ, Inc. (Rodney Jones): The Board held a public hearing on Variance Request No. 5963 by RWJ, Inc., ±22.28 acres, located on Mars Hill Road, Shenandoah Drive, Fern Hill Road and Wood Fern Way, to reduce the minimum setback required for a cul-de-sac adjacent to the project boundary.

With concurrence of the applicant's representative, Planner Brad Callender presented the staff reports for Rezone Request No. 5962 and Variance Request No. 5963 at the same time.

County Attorney Daniel Haygood advised the Board that action on Variance Request No. 5963 was not needed since Rezone Request No. 5962 was denied.

Land Use & Transportation Planning Committee: On motion by Commissioner Hale and second by Commissioner Daniell, the Board unanimously appointed Shane Carson to the Oconee County Citizens Advisory Committee on Land Use & Transportation Planning for a two-year term expiring September 30, 2012.

Recreational Affairs Committee: On motion by Commissioner Luke and second by Commissioner Hale, the Board unanimously appointed Chris Butts to the Oconee County Citizens Advisory Committee on Recreational Affairs for a two-year term expiring September 30, 2012.

Keep Oconee County Beautiful Commission By-Laws: The Board briefly discussed the revised by-laws of the Keep Oconee County Beautiful Commission as presented at the July 27, 2010 meeting. On motion by Commissioner Luke and second by Commissioner Hale, the Board voted unanimously to send the proposed by-laws back to the KOCBC for additional revisions and to be re-presented at a later work session meeting of the Board.

Voting System Intergovernmental Agreement Amendment – Bar Code Scanners: On motion by Commissioner Hale and second by Commissioner Daniell, the Board unanimously approved the Third Amendment to the Intergovernmental Agreement with the Secretary of State regarding the Bar Code Scanner allotment.

Government Annex Renovation Project - Architect: Administrative Officer Alan Theriault recalled the recommendation of the Annex Renovation Review Committee to contract with Precision Planning, Inc. for architectural services for the Government Annex Renovation Project. Mr. Theriault reminded the Board that the contract could be terminated at any step along the way.

Project Manager Wayne Wilbanks recommended the Board also proceed with the hiring of a Construction Manager at Risk.

Commissioner Luke questioned if this is the right project to move forward with and expressed concern that all considerations had been addressed.

Commissioner Daniell made the motion to approve a contract with Precision Planning, Inc. for architectural services at a cost not to exceed \$74,500 and to proceed with the hiring of a Construction Manager at Risk. Commissioner Hale seconded the motion. Commissioners Daniell, Hale and Horton voted yes. Commissioner Luke voted no. The motion passed.

Consent Agenda: On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved the following Consent Agenda items:

- **Alcohol License Application – Chef Ming’s:** Approved a 2010 Alcohol License for Chef Ming’s located in the Kroger Shopping Center.
- **Jail Agreement with Athens-Clarke County:** Approved an Agreement with Athens-Clarke County for housing up to 90 Athens-Clarke County prisoners in the Oconee County Jail at a rate of \$35 per day per inmate.
- **Northeast Georgia Regional Solid Waste Management Plan Update:** Approved a five-year Short Term Work Program (STWP) update to the Northeast Georgia Regional Solid Waste Management Plan.
- **Zoom Bait/St. Mary’s Sewer Line Project:** Approved the expenditure of an additional \$400,000 from unallocated excess collections and interest earned on 2004 SPLOST revenues for the Zoom Bait/St. Mary’s sewer line project.
- **Farmland Protection Conservation Easement – Ricky House Property:** Approved the expenditure of \$75,000 and accepted the Ricky House deeds of conservation easements to preserve and maintain the conservation values of two adjacent tracts in Oconee County totaling 41.5 acres.
- **FY2010 Auditors:** Approved the bid of \$60,010 by Treadwell, Tamplin and Company for FY 2010 auditing services.
- **Pension Plan Vesting:** Approved amending the Defined Benefit Pension Plan to revise the full vesting period from 5 years to 10 years for newly hired employees.

Executive Session: On motion by Commissioner Luke and second by Commissioner Daniell, the Board voted unanimously to adjourn into Executive Session to discuss land acquisition, personnel and litigation matters.

On motion by Commissioner Luke and second by Commissioner Horton, the Board adjourned Executive Session. On motion by Commissioner Horton and second by Commissioner Luke, the Board adjourned back into Regular Session.

Welcome Center Location: On motion by Commissioner Horton and second by Commissioner Luke, the Board unanimously approved a 3-year lease agreement with Charles and Joann Stewart for property located at 21 N. Main Street at a cost of \$900 per month for the Oconee County Welcome Center.

There being no further business, on motion by Commissioner Horton and second by Commissioner Luke the meeting was adjourned.

County Clerk

Chairman

Date

