

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, March 5, 2019 at 6:00 p.m. in the Commission Meeting Chambers at the Oconee County Courthouse.

Members Present: Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner W.E. "Bubber" Wilkes
Commissioner Mark Saxon

Staff Present: Justin Kirouac, County Administrator
Daniel Haygood, County Attorney
Kathy Hayes, County Clerk
Paula Nedza, IT Director
Alex Newell, Internal Services Director
Diane Baggett, Communications Manager
Guy Herring, Planning and Code Enforcement Director
Gabriel Quintas, Planning and Code Enforcement Assistant Director
Grace Tuschak, Planner
Wes Geddings, Finance Director
Lisa Davol, Parks & Recreation Director

Chairman John Daniell began the Board Meeting at 6:00 p.m. with a moment of silence, and the Pledge of Allegiance was led by County Administrator Justin Kirouac.

Approval of Agenda:

On motion by Commissioner Horton and second by Commissioner Thomas, the Agenda was unanimously approved as amended.

Statements and Remarks from Citizens:

Alan Antley, Lake Wellbrook Drive and President of the Friends of Barber Creek thanked the Board for decommissioning the Barber Creek sewer line. He stated that, when sampling water, a river otter was swimming in Barber Creek.

Statements and Remarks from Commissioners:

Carolyn Dallas, Congressman Jody Hice's Office announced there will be Mobile Office Hours at the Oconee Library on Wednesday, March 6, 2019 from 10:30 a.m. until 12:00 noon.

Chairman Daniell shared with the audience of two Public Meeting that will be held by the Georgia Department of Transportation: March 7 at 5:00 p.m. at Veterans Park regarding Highway 186 Detour and March 19 at 5:00 p.m. at Oconee Veterans Park regarding Highway 441 Bypass in Bishop.

Approval of Minutes:

On motion by Commissioner Thomas and second by Commissioner Saxon, the minutes of February 5, February 19 and February 26, 2019 were approved as submitted.

Second Reading and Public Hearing – Unified Development Code Definition of Development Review Committee:

A Second Reading and Public Hearing was held regarding the Unified Development Code Definition of the Development Review Committee. Planning and Code Enforcement Director Guy Herring presented the recommended Sections 502 and 1503 to be revised as follows:

Development Review Committee (DRC) – An internal review group to provide technical review of zoning applications, construction plans and other related items, and consisting of representatives of the Planning, Code Enforcement, Public Works/Engineering, Utilities, Health, EMA and/or other County Departments.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board unanimously approved revisions to the Unified Development Code definition of the Development Review Committee as submitted.

Rezone Nos. 7656 and 7657 – Applicant: Smith Planning Group, LLC / Owner: Magnolia Valley Properties, LLC, Mars Hill Road:

Planning and Code Enforcement Director Guy Herring presented to the Board a request from the Smith Planning Group, LLC, Applicant, to defer Rezone Nos. 7656 (\pm 4.06 Acres) and 7657 (\pm 0.94 Acre) until the Board's Regular meeting on April 2, 2019.

On motion by Commissioner Wilkes and second by Commissioner Horton, the Board unanimously approved the request of the Smith Planning Group, LLC, to defer the hearing of Rezone Nos. 7656 and 7657 until the Board's Regular Meeting on April 2, 2019.

Special Exception Variance No. 7694 – Applicant/Owner: Scott Boswell, Georgia State Route 316, Commercial Subdivision:

The Board held a Public Hearing on Special Exception Variance No. 7694 – Owner/Applicant: Scott Boswell, \pm 29.905 acres, Variance Request: Reduce the landscape buffer from 50 feet to 15 feet along eastern property line.

Gabriel Quintas, Assistant Planning & Code Enforcement Director, presented the request with two conditions recommended by staff.

Scott Boswell, Owner/Applicant, spoke in favor the request and asked that the Board reduce the buffer to 10 feet instead of the Variance request of 15 feet.

Chairman Daniell opened the public comment period and there was none.

The Board further discussed buffer reduction, size of proposed buildings, retention ponds, stormwater runoff, drainage easements and parking.

On motion by Commissioner Horton and second by Commissioner Wilkes, the Board unanimously approved Special Exception Variance No. 7694, Owner/Applicant: Scott Boswell, Georgia State Route 316, ±29.905 Acres, to reduce the incompatible-use buffer from a 50-foot buffer to a 15-foot natural buffer with a six-foot tall opaque fence along the eastern property line with two conditions. **See Documentation in Ordinances and Resolutions Book No. 22.**

Streetlight Tax District No. C-03V-L1 – Spartan Estates Subdivision:

Planning and Code Enforcement Director Guy Herring presented a request from T. Oliver Pryor, Owner of Spartan Estates Subdivision, for the creation of a Street Light Tax District for the Spartan Estates Subdivision. Mr. Herring read the Resolution into the record as follows:

*Whereas, pursuant to Article 9, Section 2, Paragraph 6 of the Constitution of the State of Georgia, the Oconee County Board of Commissioners is authorized to create, by ordinance, special districts for the provision of local government services within such districts and to levy and collect taxes within such districts to pay the cost of providing such services; and
Whereas, the property owners within Spartan Estates Subdivision have, in accordance with Article 12, Section 1235 of the Oconee County Unified Development Code, submitted a petition bearing the signatures of at least 66% of the lot owners within said subdivision, requesting the creation of a Special Street Light Tax District;*

Now Therefore Be It Resolved by the Oconee County Board of Commissioners, in accordance with the provisions of the Oconee County Unified Development Code, to establish Special Street Light Tax District Number C-03V-L1, within and for Spartan Estates Subdivision, said district to include tax parcels as set forth in Exhibit “A” attached hereto. Installation costs shall be paid by the developer.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously approved Street Light Tax District No. C-03V-L1 of the Spartan Estates Subdivision. **See Documentation in Ordinances and Resolutions Book No. 22.**

Board of Tax Assessors Appointment:

On motion by Commissioner Saxon and second by Commissioner Thomas, the Board unanimously approved the appointment of John D. Mobley to the Board of Tax Assessors to begin immediately and expire March 31, 2021.

Family and Children Services Board Appointment:

On motion by Commissioner Thomas and second by Commissioner Horton, the Board unanimously approved the appointment of Carol Nimmons to the Family and Children Services Board for an unexpired term to begin immediately and expire June 30, 2020.

Northeast Georgia Aging Services Council Appointment:

On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board unanimously approved the appointment of Heidi Ewen to the Northeast Georgia Aging Services Council for a term to begin immediately and expire February 28, 2023.

Oconee Chamber of Commerce Memorandum of Understanding for Economic Development Services:

(Commissioner Chuck Horton recused himself from the meeting.)

Chairman Daniell read the following statement into the record:

Reports that Justin or I stated the purpose of the agreement is to circumvent state law is misleading at best. This agreement models organizations we have found to be most successful. Those models did have the Economic Development Council (EDC) meeting outside of Open Meetings. The EDC has no power or decision-making ability. This Board of Commissioners has been, and will continue to be, open, accessible and accountable. However, in an effort to balance effectiveness with openness, we have made some proposed changes to the agreement that Justin will discuss now.

County Administrator Justin Kirouac gave a brief overview of developing the Memorandum of Understanding for Economic Development services. Additional revisions have been made to include removing the Economic Development Council and having the Chamber become a professional services contractor to the Board of Commissioners; Chamber reports directly to the Board of Commissioners on a quarterly basis in open forum; and, a “cancel for convenience” element should the Board or Chamber wish to dissolve the agreement.

Proposed revisions were read into the record:

- *Strike a portion of Paragraph 3:*
Whereas, the County has agreed to contract with the Chamber for economic development services through the Oconee County Economic Development Council, a committee of the Chamber, (hereinafter referred to as the “EDC”); and
- *Strike Paragraph 4:*
Whereas the Chamber and the County have agreed to form a partnership for the purposes of marketing and promoting quality economic development for the Oconee County community;
- *Section 1:*
“The County shall provide a partner funding fee in pay the sum of \$100,000 to the Chamber as appropriated by the Board of Commissioners, for the purposes set forth in this contract.”
- *Section 2:*
“The Chamber (by and through the EDC) shall.”
- *Strike Subsection 2.A. in its entirety.*
- *Subsection 2.B. will become 2.A:*
Provide economic development services for the County, including marketing and promoting quality economic development in the name of all funding partners and advertising in Chamber publications such as the chamber newsletter and other business-related publications, as part of the funding partner fee. These efforts shall include, but not be limited to, retail marketing on a macro level for all funding partners in Oconee County, with an emphasis on appropriate developers and shopping center/nodal development, as identified in the Oconee County Comprehensive Plan, negotiation and proposal writing on competitive projects and coordination of state and local resources.
- *Subsection 2.H. will become 2.G:*
Attend semi-annual quarterly Oconee County Commission meetings, or as requested by the Board of Commissioners, to report accomplishments via the provision of detailed, written activity/performance reports.
- *Subsection 2.I. will become 2.H:*
Advocate for State and Local economic development legislative and referendum initiatives. that are endorsed by the EDC.
- *Subsection 3.B:*
Each budget and any adjustments thereto shall provide for an accounting for all funds contributed by the funding partners and verify the use of funding partner contributions exclusively for the EDC and its functions.
- *Subsection 3.C:*
The Chamber shall submit a regular financial and performance report to the County at each EDC meeting. This report shall be made monthly unless otherwise approved by the County. This report shall include a balance sheet, all fiscal year revenues, and expenditures to date and a comparison of actual revenue and expenditures to the budget.
- *Subsection 3.D:*
At the conclusion of each fiscal year, the Chamber shall have prepared, as a component unit of the County’s audit, an audit by a reputable Certified Public Accounting firm. Such audit shall be prepared in compliance with generally accepted accounting principles. Such audit shall be completed within 90 days after the end of the fiscal year, and one copy of the audit and management letter shall be immediately sent to all the funding partners.

- *Subsection 3.G:*
Insurance. The Chamber will carry liability insurance relative to any service. that it performs for the EDC.
- *Section 4:*
If the Chamber fails to make a reasonable effort to fulfill its obligations under this agreement, or fails to retain competent staff to carry out its responsibilities hereunder, or either party determines that the agreement is no longer beneficial, then the County at its option may terminate payment pursuant to this agreement after giving 30 days written notice to the Chamber. Upon the expiration or earlier termination of this Agreement, or whenever requested by the County, the Chamber shall deliver to the County all such files, records, documents, specifications, information, and other items in its possession or under the Chamber’s control. The Chamber further agrees that it will not disclose the terms of this Agreement to any person without the prior written consent of the County and shall always preserve the confidential nature of its relationship to the County and the EDC and of the services hereunder.

Mr. Kirouac stated that anything subject to Open Records/Open Meetings will be disclosed.

Chairman Daniell opened the Public Comment period.

Dr. Lee Becker, Scott Terrace, thanked the Board for the proposed changes. He asked that the Board not take action and handed an amendment for the MOU to the Board for consideration.

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Dr. Sarah Bell stated concerns regarding Chamber funding for economic development since there are no elected officials at the Chamber that could be held accountable.

Michael Prochaska, The Oconee Enterprise, thanked the Board for eliminating the Economic Development Council.

Dr. Ann Hollifield, Scott Terrace, asked that the agreement be in compliance with the Open Records law and stated that the business community is not in line with concerns of citizens.

Chairman Daniell closed the Public Comment period.

Chairman Daniell shared with the audience that the Board will continue to comply with State law regarding Open Records and Open Meetings; be accessible to citizens; provide accountability; develop strategies that align with the Comprehensive Plan; and have Public Meetings.

Further comments from the Board included being accountable to citizens; information will be available prior to decisions being made; the County may withdraw from the MOU at any time; and a need to promote economic development with the Comprehensive Plan.

On motion by Commissioner Saxon and second by Commissioner Thomas, the Board unanimously approved the Memorandum of Understanding for Economic Development Services. Commissioners Thomas, Wilkes and Saxon voted in favor of the motion and Commissioner Horton recused himself from the vote. The motion passed 3-0. ***See documents in Ordinances and Resolutions Book No. 22.***

(Commissioner Horton returned to the meeting.)

Consent Agenda:

Chairman Daniell asked the Board if any items should be removed from the Consent Agenda. No items were removed. On motion by Commissioner Saxon and second by Commissioner Thomas, the following Consent Agenda items were unanimously approved.

- 1) Approve Intergovernmental Agreement with the City of Watkinsville for project management of City's Sewer Extension Project. ***See Documentation in Ordinances and Resolutions Book No. 22.***
- 2) Adopt "Resolution Requesting Sales Tax Information from the Georgia Department of Revenue" to name Finance Director Wes Geddings as the Designated Officer to receive a sales tax vendor listing in accordance with House Bill 371. ***See Documentation in Ordinances and Resolutions Book No. 22.***
- 3) Approve Alcohol License Application for LaCabana Bogart, Inc., 2971 Monroe Highway, Suite 101 and 102, Bogart, with Rodolfo Rodriguez-Garcia as the Registered Agent.

Executive Session:

On motion by Commissioner Wilkes and second by Commissioner Saxon, the Board unanimously voted to adjourn into Executive Session at 6:55 p.m. to discuss land acquisition.

No action was taken in Executive Session.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board adjourned Executive Session at 7:21 p.m. On motion by Commissioner Saxon and second by Commissioner Thomas, the Board adjourned back into Regular Session.

There being no further business, on motion by Commissioner Wilkes and second by Commissioner Thomas, the meeting was adjourned at 7:22 p.m.

Chairman John Daniell

Kathy Hayes, County Clerk

Date: _____
