

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, May 7, 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
Tracye Bailey, Deputy Clerk
Patrick Magana, Assistant IT Director
Diane Baggett, Communications Manager
Guy Herring, Planning and Code Enforcement Director
Gabriel Quintas, Planning and Code Enforcement Assistant Director
Grace Tuschak, Planner
C. J. Worden, EMA Director
Alex Newell, Internal Services Director
Lisa Davol, Parks & Recreation Director
Wes Geddings, Finance 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 Commissioner William Wilkes.

Approval of Agenda:

On motion by Commissioner Horton and second by Commissioner Wilkes, the Agenda was unanimously approved.

Statements and Remarks from Citizens:

Charles Hay, The Olive Basket, asked that the Alcohol Ordinance be amended to allow Class B3 licensees to have wine/beer tastings or serve alcoholic drinks during cooking demonstrations.

Statements and Remarks from Commissioners:

Chairman Daniell shared with the audience the following dates:

- May 21st at 5:30 p.m. – FY20 Budget Public Hearing
- May 21st at 6:00 p.m. – Board of Commissioners Meeting

Approval of Minutes:

On motion by Commissioner Saxon and second by Commissioner Horton, the minutes of April 2, April 16, April 23 and April 30, 2019 were unanimously approved as submitted.

Unified Development Code Articles 2 and 3 Amendments:

Planning & Code Enforcement Director Guy Herring briefed the Board regarding text amendments proposed by Staff.

- Unified Development Code, Article 2: Zoning districts consolidated to better align with the Comp Plan; principal uses allowed by right and by special use approval are added to the description of each zoning district; Mars Hill Overlay District is modified to address certain uses and nonconforming structures; Table 2.1 and Table 2.2 are modified to add/delete/modify principal and accessory uses allowed by right or by special use approval due to the zoning districts.
- Zoning map includes proposed consolidated zoning districts: Section 208 and Table 2.3 are added to address zoning guidelines for future land use and out-of-character areas.
- Unified Development Code, Article 3: New provisions restricting short-term rentals, landscaping services, backyard hens and agri-tourism. Modified provisions and restrictions for guesthouses, cemeteries, and exterior lighting for nonresidential development have been added.

The Planning Commission tabled the text amendments on March 18, 2019. On April 15, 2019, the Planning Commission recommended approval of the proposed text amendments subject to 15 suggested revisions. Recommended revisions by the Planning Commission and corresponding staff comments are attached to the Department Memorandum dated April 30, 2019, which was provided to the Board and made a part of the Board Minutes for May 7, 2019.

Chairman Daniell opened the Public Comment period.

Dennis Norton, Liberty Lane, agrees with the Planning Department recommendations and stated that the Planning Department did an outstanding job.

Chairman Daniell closed the Public Comment period.

On motion by Commissioner Horton and second by Commissioner Thomas, the Board unanimously adopted amendments to Articles 2 and 3 of the Unified Development Code as presented by Staff; table Section 352 (Short-term Rentals) until the June 4, 2019 Board Meeting; Section 205.09 c.(b)(2)(a) be amended to reflect the times included in the current Noise Ordinance of 11:00 p.m. until 7:00 a.m.; and adopt recommended changes from the Planning Commission that are accepted by the Planning Staff.

Rezone Nos. 7702 – Applicant: JPC Design and Constructions / Owner: William B. Jones, US 78 and Mars Hill Road:

The Board held a Public Hearing on Rezone No. 7702. Applicant: JPC Design and Constructions, LLC, Owner: William B. Jones, +32.079 Acres, located on the southwest corner US Highway 78 and Mars Hill Road intersection. Zoning Request: A-1 and B-2 to B-2 to allow for five contiguous parcels for a commercial development.

Gabriel Quintas, Assistant Planning & Code Enforcement Director, presented the request and stated that the Planning Commission recommended denial with a vote of 7-3 and staff recommends approval with 11 conditions.

Chairman Daniell opened the Public Comment period.

Steven Rowland, Rowland Engineering and Owner Representative, spoke in favor of the request and asked that Conditions No. 5 and No. 7 be removed. He asked that the following be removed from the Table of Disallowed Uses: Automotive Repair and Maintenance, except Car Washes; Automotive Parts, Accessories and Tire Stores; General Automotive Repair; Automotive Exhaust System Repair; Passenger Car Rental and Leasing; Car Washes; Automotive Transmission Repair; Automotive Oil Change and Lubrication Shops; Automobile Commercial Parking Lots and Garages; and New Car Dealers.

Burt Jones, Owner, spoke in favor of the request stating his company is a family-owned and vested in several types of businesses. The highest and best use of the property will be for commercial use to be determined by the future market. The concept plan presented is a potential outlay of the property.

Linda Carol Porterfield, Chestnut Glen, spoke in favor of the request stating that the property has been commercial during her lifetime and the area/community needs commercial development.

Ken Beall, Beall & Company, spoke in favor of the request and stated that his office is located close to the subject property and he would like more commercial development in the area. Also, a development of this size would increase property taxes with no increase in the number of students in the schools.

James Hunter spoke in favor of the request stating people that were raised in Oconee County in the vicinity of the subject property are in favor of the commercial development for the area.

Dennis Norton, Liberty Lane, spoke against the request stating that he disagrees with Staff's conclusion. He has concerns regarding traffic congestion and roadway expansion/costs, and the request is not in line with the Unified Development Code or the Comprehensive Plan's classification for a technology/business corridor on Highway on 78.

Ken Beall presented rebuttal as Owner's Representative, stating that Oconee County has controls to manage growth and that the subject property does not qualify for a technology/business classification due to its size. There will be additional growth in the area and road improvements will be required, but there is an approval process in place.

Chairman Daniell closed the Public Comment period.

Further discussion included signage; a right-in-right-out entrance; contact with the Georgia Department of Transportation; the possibility of a grocery store and/or car dealership; traffic counts/study; retention pond location; developing the property in phases; and uses included on the Table for Disallowed Uses.

On motion by Commissioner Thomas and second by Commissioner Horton, the Board approved Rezone No. 7702. Applicant: JPC Design and Constructions, LLC, Owner: William B. Jones, +32.079 Acres, southwest corner US Highway 78 and Mars Hill Road intersection; Zoning Request: A-1 and B-2 to B-2 to allow for five contiguous parcels for a commercial development with 11 conditions. Condition No. 5 will be modified to meet current sign requirements and all uses will remain on the Table of Disallowed Uses. Commissioners Thomas, Horton and Wilkes voted in favor of the motion and Commissioner Saxon voted against the motion. The motion passed 3-1. ***See documentation in Ordinances & Resolutions Book No. 22.***

Rezone No. 7732 – Applicant: Williams & Associates Land Planners / Owner: Danny White, Epps Bridge Parkway and Pine Ridge Court:

The Board held a Public Hearing on Rezone No. 7732, Applicant: Williams & Associates Land Planners, Owner: Danny White, +1.3925 Acres, southeast corner of Epps Bridge Parkway and Pine Ridge Court intersection, Zoning Request: R-2 to B-1 to allow construction of two-story financial center.

Gabriel Quintas, Assistant Planning & Code Enforcement Director, presented the request and stated that the Planning Commission and staff recommends approval with six conditions. The Planning Commission recommends an additional condition: Should Special Exception Variance No. 7736 be denied, a 50-foot landscape buffer shall be installed along all property lines adjoining residential use. Staff has no objections to the additional condition.

Chairman Daniell opened the Public Comment period.

David Ellison, Owner Representative, spoke in favor the request stating that the current property use is inconsistent with the zoning and that surrounding properties are trending commercial. The rezone will enhance property values, promote the welfare of the community and increase the tax base without adding

students to the school system. The request is consistent with the future planning map and the present use is inconsistent with future development plans.

Kathy Hurley, Laurel Place, spoke against the request and is concerned with ingress/egress for Tanglebrook Subdivision. Traffic increase could rise from 80 to 700 vehicles per day. She asked that future development be managed without causing harm to Tanglebrook Subdivision.

Nancy Woodard signed up to speak but declined.

Julie Hunter, property manager of remaining duplexes on Pine Ridge Court, stated concerns regarding school bus stops for the children living in the remaining duplexes. She would like for the bank to have another entrance and not an entrance shared with the remaining residents on Pine Ridge Court.

William Peak, Pine Ridge Court, asked if the residents would receive assistance when they are required to leave. Chairman Daniell responded that Mr. Peak would need to discuss with the property owner.

David Ellison, Owner Representative, presented rebuttal and stated that the tenants have short-term leases and the landowner has a right to the private drive. There will be no increased traffic on Tanglebrook Drive and he is in agreement with conditions proposed by County Staff.

Chairman Daniell closed the Public Comment period.

Discussion continued regarding Pine Ridge Court as a public road or private drive; maintenance of Pine Ridge Court by the bank including the bank's access; concerns regarding traffic volume entering and leaving the property; and County staff should review the entrances/exits, including median areas, on Epps Bridge Parkway.

On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board unanimously approved Rezone No. 7732. Applicant: Williams & Associates Land Planners, Owner: Danny White, +1.3925 Acres, southeast corner of Epps Bridge Parkway and Pine Ridge Court intersection. Zoning Request: R-2 to B-1 to allow construction of two-story financial center with six (6) conditions and add Condition No. 7 that developer/owner will be required to construct all road improvements as required by the Unified Development Code and Public Works Department at the expense of the developer/owner. **See documentation in Ordinances & Resolutions Book No. 22.**

Special Exception Variance No. 7736 – Applicant: Williams & Associates Land Planners, Owner: Danny White, Epps Bridge Parkway and Pine Ridge Court:

The Board held a Public Hearing on Special Exception Variance No. 7736. Applicant: Williams & Associates Land Planners, Owner: Danny White, +1.3925 Acres, southwest corner of Epps Bridge Parkway and Pine Ridge Court intersection. Zoning: R-2, to reduce required incompatible use buffer from 50 feet to 15 feet along property lines adjoining residential use.

Gabriel Quintas, Assistant Planning & Code Enforcement Director, presented the request with one (1) condition recommended by staff.

Chairman Daniell opened the Public Comment period.

David Ellison, Owner Representative, spoke in favor the request.

Nancy Woodard signed up to speak but was not present for the Public Comment period.

Julie Hunter, Pine Ridge Court, stating that the 50-foot buffer should remain since there are residents living in the duplexes surrounding the bank property.

David Ellison, Owner Representative, presented rebuttal stating that the applicant needs the requested variance in order to develop the property.

Chairman Daniell closed the Public Comment period.

Discussion continued regarding if there has been contact with adjoining property owners regarding the buffer and replacing the fence buffer with a berm and landscaping buffer with an overall height of eight feet.

On motion by Commissioner Thomas and second by Commissioner Wilkes, the Board approved Special Exception Variance No. 7736. Applicant: Williams & Associates Land Planners, Owner: Danny White, +1.3925 Acres, southwest corner of Epps Bridge Parkway and Pine Ridge Court intersection. Zoning: R-2, to reduce required incompatible use buffer from 50 feet to 15 feet along property lines adjoining residential use with one condition, which will be modified to include an eight-foot dirt berm with landscaping. Commissioners Thomas, Horton and Wilkes voted in favor of the motion and Commissioner Saxon voted against the motion. The motion passed 3-1. **See documentation in Ordinances & Resolutions Book No. 22.**

Tourism and Visitors Bureau:

On motion by Commissioner Saxon and second by Commissioner Thomas, the Board unanimously approved the following appointments for one year to begin July 1, 2019 and expire June 30, 2020: Dean Bright, Sarah Cumuze and Candice Meeler; and the following appointments for two years to begin July 1,

2019 and expire June 30, 2021: Casey Deming, Deesha Hagwood, David Titshaw and Stephanie VanDyck. (The one-year appointments will convert to two-year appointments on July 1, 2020.)

Board of Tax Assessors:

On motion by Commissioner Wilkes and second by Commissioner Thomas, the Board unanimously approved the appointment of Donna Fee for an unexpired term to begin immediately and expire March 31, 2022.

Final Proposed FY20 Budget:

Finance Director Wes Geddings presented the final proposed FY20 Budget. The next FY20 Budget Public Hearing will be held on May 21, 2019 at 5:30 p.m. prior to the Board's Agenda Setting Meeting. The final Public Hearing and action will be on June 4, 2019 at 6:00 p.m. at the Board's Regular Meeting. The FY20 proposed final budget is balanced and totals \$30,507,038.00, which is a 4.5% increase over the FY19 Budget. Maintenance and Operations increased modestly; employee costs/benefits with an increase of \$500,000.00 to include the Step Pay Program, Health Care and Cost of Living Adjustments (COLA); and \$530,000.00 increase for roadway paving improvements.

FY19 Third Quarter Financial Update:

Finance Director Wes Geddings presented the FY2019 Third Quarter Financial Update. Mr. Geddings stated that the County is financially sound and reviewed the financial status of the County's General Fund, LOST, SPLOST and the Water Resources Enterprise Fund. General Fund Revenue is 89% collected; General Fund Expenditures are 70% expended; Water Resources Revenue is 69% collected; and Water Resources Expenditures are 56% expended. He also gave an overview of Capital and SPLOST projects.

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 Horton and second by Commissioner Thomas, the following Consent Agenda items were unanimously approved.

- 1) Approve Award of Annual Custodial Services for Parks & Recreation (\$76,080.00) and the Senior Center (\$28,200.00) to Intercontinental Commercial Services, Inc., to begin July 1, 2019.
- 2) Approve Concessionaire Agreements with Oconee County Little League Association, Inc. (\$5,000.00) and Oconee Futbol Club, Inc. (\$2,000.00) to begin August 1, 2019.
- 3) Approve Bishop Farms Parkway Extension Project Design Services Agreement with Williams & Associates Land Planners in the amount of \$225,000.00.
- 4) Approve Conveyance of Abandoned Prescriptive Easement located on a portion of Peck Circle from Oconee County to Gregory A. Peck and conveyance of right-of-way from Gregory A. Peck to Oconee County as shown on an easement survey entitled, "Oconee County Public Works Department" dated January 1, 2019 and authorize Chairman John Daniell to execute the Quit Claim Deeds.

Executive Session:

On motion by Commissioner Saxon and second by Commissioner Thomas, the Board adjourned into Executive Session at 8:17 p.m. to discuss land acquisition and potential litigation.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board adjourned Executive Session at 8:34 p.m. On motion by Commissioner Saxon and second by Commissioner Horton, the Board adjourned back into Regular Session.

Settlement Agreement – Site Engineering, Inc.:

County Attorney Daniel Haygood presented the terms of a Settlement Agreement with Site Engineering, Inc., in connection with the McNutt Creek Sewer Connection Project. The County will retain liquidated damages in the amount of \$139,562.90, pay a balance of \$62,500.00 on the contract with Site Engineering, Inc., and approve Change Order No. 3 to the contract all as specified in the Settlement Agreement. On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously approved the Settlement Agreement with Site Engineering, Inc., in regarding the McNutt Creek Sewer Connection Project as presented.

There being no further business, on motion by Commissioner Wilkes and second by Commissioner Horton, the meeting was adjourned at 8:36 p.m.

Chairman John Daniell

Kathy Hayes, County Clerk

Date: _____