

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, June 5, 2018 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  
Wes Geddings, Finance Director  
Paula Nedza, IT Director  
Guy Herring, Planning & Code Enforcement Director  
Gabriel Quintas, Planning & Code Enforcement Assistant Director  
C. J. Worden, EMA Director  
Bruce Thaxton, Fire Chief  
Russ Henson, Fire Marshal  
Alex Newell, Management Analyst  
Donald "Mickey" Baughcum, Water Resources Assistant Director  
Whitney Sperlick, Parks & Recreation Deputy Director

*Others Present:* Michael Prochaska, Editor, The Oconee Enterprise  
Amanda Davis, Interim Director, Oconee Area Resource Council

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 Saxon.

**Approval of Agenda:**

Chairman John Daniell asked that Agenda be amended to include ratification of the new Water Resources Director under "Personnel Matters."

On motion by Commissioner Saxon and second by Commissioner Thomas, the Agenda was unanimously approved with the amendment to add the ratification of the new Water Resources Director under "Personnel Matters."

**Statements and Remarks from Citizens:**

Loren Moore asked if there has been communication with other counties regarding the use of water from the Hard Labor Creek Reservoir and discussion regarding treated wastewater into the Apalachee River.

**Statements and Remarks from Commissioners:**

Commissioner Chuck Horton thanked law enforcement and emergency personnel for the time and effort regarding the tragedy on McNutt's Creek.

Chairman Daniell reminded the audience that the Agenda Setting Meeting of the Board is scheduled for June 26, and the Mars Hill Road Widening Project has opened four lanes to traffic as of June 4, 2018.

**Approval of minutes**

On motion by Commissioner Wilkes and second by Commissioner Horton, minutes of the May 1 Regular Meeting, May 22 Public Budget Hearing, and May 22 Agenda Setting Meeting were unanimously approved as submitted.

**Public Hearing – Amendment of Unified Development Code, Article 3 "Foundations":**

A Public Hearing and Second Reading were held to discuss the amendments of the Unified Development Code, Article 3 "Foundations". County Administrator Justin Kirouac briefed the Board regarding the second reading of the amendments and noted that the Planning Commission voted to deny the proposed changes. Mr. Kirouac stated that there are existing subdivisions which were approved with a condition for raised slab foundations, but there is no standard of measurement for this foundation. He suggested an alteration to the amendment that where raised slab foundations are allowed, the foundation should be at least two feet (24 inches) above the finished grade, but shall not apply to an addition of an existing dwelling.

Chairman Daniell asked for Public Comment.

Alex Brock of Smith Gambrell Russell, representing SR Homes, Alex G. Tetterton Homes and 1705 Properties, submitted an affidavit in opposition to the amendments and a Notice of Constitutional Challenge and Legal and Constitutional Objections. He stated that SR Homes would not have purchased property had they known of the upcoming amendments.

Austin Hackney, representing the Homebuilders Association of Georgia and the homebuilding industry across the state, opposes adoption of the amendments and stated that the revisions do not improve building safety or quality of life.

Norm Grayson, Grayson Realty, stated that slab foundations are not worse than crawl space foundation and that crawl space foundations have mold.

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Joey Welch, SR Homes, ask that the Board consider that the Planning Commission denied the amendments and the effect of this decision for the citizens of Oconee.

Chairman Daniell closed the public comment period.

Chairman Daniell presented information regarding the following:

- Approval of amendment changes to the Unified Development Code is not required by the Department of Community Affairs (DCA) as confirmed with the DCA.
- A home constructed on a crawl space is more energy efficient than a house constructed on a slab foundation.
- The number of approved vacant lots in the county and the number of lots approved for slab foundations.
- Architectural renderings (showing raised slab or crawl space foundations) of proposed homes during the application and rezone process versus photos of actual homes built (with slab foundations).
- Comparison of home values for Oconee, Athens-Clarke and Gwinnett Counties.
- Provided data showing inconsistency with the 2012 International Residential Codes and Oconee County's Unified Development Code for actual raised slab foundations constructed in Oconee County.

The Board members further discussed adherence to building codes; efficiency of a slab foundation versus a crawl space foundation; housing affordability in Oconee County; handicap accessibility for a residential home; and revisions to the amendments regarding raised slab foundations and grade percentage for slab foundations.

Chairman Daniell asked for further Public Comment, regarding the amendment revisions, and there was none.

On motion by Commissioner Thomas and second by Commissioner Horton, the Board unanimously approved adoption of the amendments for the Unified Development Code, Article 3: Foundations as presented with revisions as follows: Remove "(3) Single-family detached dwellings certified A Livable Lifestyle (ALL Homes) per Home Builders Association of Georgia (HBAG), to include both required and recommended standards" and replace "(4) Lots with existing predeveloped grades (as show on the Land Disturbance Permit Application) with a maximum slope grade change of 5.0% in the building envelope." ***See documentation in Ordinances and Resolutions Book No. 22.***

**Resolution for the Issuance of Citations for County Ordinance Violations Revisions:**

County Administrator Justin Kirouac asked that the Board adopt revisions to the Resolution for the Issuance of Citations for County Ordinance Violations to update existing personnel.

On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board unanimously approved revisions, as presented, to the Resolution for the Issuance of Citations for County Ordinance Violations. ***See documentation in Ordinance and Resolutions Book No. 22.***

**Fire Prevention Ordinance Public Hearing and Adoption:**

County Administrator Justin Kirouac presented a second reading of the Fire Prevention Ordinance, which provides enforcement capabilities for Fire Marshal Russ Henson to inspect and review structures. As part of the enforcement process, applicable buildings will be placed on a regular review cycle to ensure compliance.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously adopted the Fire Prevention Ordinance. ***See documentation in Ordinances and Resolutions Book No. 22.***

EMA Director C.J. Worden thanked the community, staff and volunteers for efforts during the tragedy at McNutt's Creek.

**Hardship Variance No. 7437 – David and Carol Shadley, Clotfelter Road:**

The Board held a Public Hearing on Hardship Variance No. 7437, David and Carol Shadley, ±15.70 Acres, 1321 Clotfelter Road, existing zoning A-1, to increase the number of tracts allowed on a private access drive.

Gabriel Quintas, Planning & Code Enforcement Assistant Director, presented the staff report and noted that Staff recommends denial. If the Board should approve, Staff recommend two conditions.

David Shadley, Applicant, spoke in favor of the Variance but stated that he did not understand why it was a hardship.

Chairman Daniell opened the Public Comment Period.

Thomas Coggins, Matt Lewis and Nancy Aquino, parcel owners on the private drive, spoke in favor of the variance.

Chairman Daniell closed the Public Comment period.

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On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously approved Hardship Variance No. 7437, David and Carol Shadley, +15.70 Acres, 1321 Clotfelter Road, to increase the number of tracts allowed on a private access drive to six. ***See Documentation in Ordinances and Resolutions Book No. 22.***

**Appointment to the Georgia Innovation Corridor Joint Development Authority:**

Chairman John Daniell presented to the Board the need to appoint a third member to the Authority due to the resignation of Economic Development Director J. R. Charles.

On motion by Commissioner Horton and second by Commissioner Wilkes, the Board unanimously approved the appointment of Planning and Code Enforcement Director Guy Herring to the Georgia Innovation Corridor Joint Development Authority.

**Appointments to the Animal Services Board:**

On motion by Commissioner Wilkes and second by Commissioner Saxon, the Board unanimously approved the following appointments to the Animal Services Board: Deborah Caffery for a term to begin July 1, 2018 and expire June 30, 2020; Angie Eades for a term to begin July 1, 2018 and expire June 30, 2020; and Marie Williams for a term to begin immediately and expire June 30, 2019.

**Ratification of Water Resources Director:**

County Administrator Justin Kirouac asked that the Board ratify the new Water Resources Director. Tim Durham will begin employment with the Water Resources Department on July 9, 2018.

On motion by Commissioner Horton and second by Commissioner Thomas, the Board unanimously ratified Tim Durham as the new Water Resources Director.

**FY18 Family Connection Contract:**

Amanda Davis, Interim Director, Oconee Area Resource Council, presented to the Board the FY19 Family Connection Contract in the amount of \$50,000.00. Ms. Davis currently serves as the Interim Director but will become the Executive Director beginning July 1, 2018, with the retirement of Ann Hester. The contract period begins July 1, 2018 and ends June 30, 2019 with Kathy Hayes, County Clerk, continuing as the Fiscal Agent. Ms. Davis provided the Oconee Area Resource FY19 Annual Plan to the Board.

Chairman Daniell asked for public comment and there was none.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously approved the FY19 Family Connection Contract and authorized Chairman Daniell to sign the contract in the amount of \$50,000.00 to begin July 1, 2018 and end June 30, 2019.

**Fire Station No. 8 – Change Order No. 1:**

County Administrator Justin Kirouac briefed the Board regarding Change Order No. 1 in the amount of \$12,467.39 to revise the sanitary sewer routing.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Wilkes and second by Commissioner Horton, the Board unanimously approved Change Order No. 1 for the Fire Station No. 8 project in the amount of \$12,467.39 and authorized Chairman John Daniell to sign the necessary documents.

**Fire Station No. 8 – Change Order No. 2:**

County Administrator Justin Kirouac briefed the Board regarding Change Order No. 2 in the amount of \$6,656.00 to remove a buried swimming pool.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Horton and second by Commissioner Saxon, the Board unanimously approved Change Order No. 2 for the Fire Station No. 8 project in the amount of \$6,656.00 and authorized Chairman John Daniell to sign the necessary documents.

**Public Hearing - FY19 Fiscal Year Budget and Fee Schedule:**

Finance Director Wes Geddings presented to the Board a summary of the FY19 Budget and Fee Schedule. Total of all funds for FY19 is \$50,771,866.00 and includes the General Fund, Special Funds, Capital Projects Funds, SPLOST Funds and Enterprise Funds. No fund balance was used to balance the budget and the millage rate is not affected.

Commissioner Saxon thanked Mr. Geddings for the time and effort of those involved in the budget process.

Chairman Daniell briefly discussed the Economic Development Department regarding the departure of the Economic Development Director. County Administrator Justin Kirouac stated that the Economic Development function will be evaluated. The FY19 Budget does include Economic Development but does not include personnel.

Chairman Daniell opened the public comment period.

Michael Prochaska, The Oconee Enterprise, asked if the County will subsidize the Oconee County Chamber of Commerce and if discussions regarding County Economic Development were held during the hiring process of the Chamber President.

County Administrator Justin Kirouac stated that Economic Development will be evaluated on a long-term basis working with the Chamber, Industrial Development Authority. Economic Development for the County was not discussed with the Chamber President during the hiring process.

Chairman Daniell closed the public comment period.

On motion by Commissioner Horton and second by Commissioner Thomas, the Board voted unanimously to adopt the 2019 Fiscal Year budget as follows: Total of all Funds \$50,771,866.00 to include General Fund \$29,041,823.00; Special Funds \$3,669,277.00; Capital Projects Funds \$680,070.00; SPLOST Funds \$8,799,416.00; Enterprise Funds \$11,466,930.00; and the Fee Schedule as presented. **See Documentation in Ordinances and Resolutions Book No. 22.**

**Consent Agenda:**

No items were removed from the Consent Agenda.

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

- 1) Alcohol License Modification for Jennings Mill Country Club to change the Registered Agent from Larry James to Mark Bell.
- 2) Alcohol License Modification for Fully Loaded Pizza to change the Registered Agent from Justin Kamishlian to Warren Southall.
- 3) Alcohol License Application for Panaderia Tacuari d/b/a Sabor Latino located at 2131 Hog Mountain Road, Watkinsville with Ana Maria Martinez as the Registered Agent.
- 4) FY19 Public Defender Indigent Services Agreement in the amount of \$171,670.00 with a term to begin July 1, 2018 and expire June 30, 2019.
- 5) Concessionaire Services Agreement with Oconee County Little League with a term to begin August 1, 2018 and expire June 30, 2019.
- 6) Concessionaire Services Agreement with Oconee Futbol Club with a term to begin August 1, 2018 and expire June 30, 2019.
- 7) Advanced Metering Infrastructure (AMI) Easement with Athens-Clarke County to allow for electronic transmission of public utility metering equipment.
- 8) Animal Services Building renovation and expansion in the amount of \$700,000.00 and engineering/architectural planning for the project in the amount of \$50,000.00 for a total of \$750,000.00 from SPLOST funding.

**Executive Session:**

On motion by Commissioner Wilkes and second by Commissioner Horton, the Board unanimously voted to adjourn into Executive Session at 7:21 p.m. to discuss personnel, land acquisition and potential litigation.

No action was taken in Executive Session.

On motion by Commissioner Saxon and second by Commissioner Horton the Board adjourned Executive Session at 7:39 p.m.

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

**Land Acquisition:**

On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously approved the assignment of two purchase agreements as follows: 10 Acres on Rockinwood Drive at a price of \$30,000.00 per acre and 61.67 Acres on Rockinwood Drive at a price of \$28,000.00 per acre for the purpose of a future wastewater facility.

**Hardship Variance No. 7437 – David and Carol Shadley, Clotfelter Road:**

On motion by Commissioner Saxon and second by Commissioner Thomas, the Board unanimously approved that the two conditions recommended by the Planning Staff be made a part of the approval of Hardship Variance No. 7437. **See documentation in Ordinances and Resolutions Book No. 22.**

There being no further business, on motion by Commissioner Wilkes, and second by Commissioner Horton, the meeting was adjourned at 7:43 p.m.

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County Clerk

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Chairman

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Date