

**Board of Commissioners Agenda Setting Meeting
Courthouse Commission Chambers
June 25, 2019 – 6:00 p.m.
Minutes**

Members Present:

Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner William E. “Bubber” Wilkes
Commissioner Mark Saxon

Staff Present:

Justin Kirouac, County Administrator
Daniel Haygood, County Attorney
Kathy Hayes, County Clerk
Guy Herring, Planning & Code Enforcement Director
Diane Baggett, Communications Manager
Paula Nedza, IT Director

Call to Order: 6:01 p.m.

Pledge of Allegiance: County Administrator Justin Kirouac led the Pledge after a moment of silence.

Approval of Agenda:

Motion to Approve: Chuck Horton
Second: Mark Saxon
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.

Statements and Remarks from Citizens:

None.

Statements and Remarks from Commissioners:

Chairman John Daniell: Town Hall Meeting – August 1, 2019, 7:00 p.m., Oconee Civic Center – Special Theme: Roundabouts

Schedule Public Hearing of Unified Development Code, Article 4 and Article 5:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Pursuant to the Unified Development Code Article 14, Mr. Herring asks that the Board set the Public Hearing date for text amendments of Article 4 and Article 5 for July 2, 2019 at 6:00 p.m. at the Board’s Regular Meeting. Planning Commission held a Public Hearing on June 17, 2019, and staff advertised the Public Hearing as July 2, 2019.

Public Comment Period was opened and there was none.

Motion to Approve: Mark Saxon
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None
Action/Motion: APPROVED – Public Hearing scheduled for July 2, 2019 at 6:00 p.m. regarding text amendments of Articles 4 and 5 of the Unified Development Code.

Land Use and Transportation Planning Committee:

Presented by: Chairman John Daniell
Discussion: Committee consists of 12 members which meets six times per year. Six members have terms expiring September 30, 2019. Recommended that no applications be accepted for expiring terms; committee will become a Task Force; and the Task Force will review the Transportation Study. After completion of Transportation Study Review, Task Force will be dissolved until another Task Force is needed. (Transportation Study has been placed on the Public Works page of the website.)

Public Comment Period was opened.

Maria Caudill stated that her position on the Committee expires September 30, 2019. Her concerns include removal of the only woman on the committee; taking away voice of the people and liberties; removal of another committee; not listening to the community.

Public Comment Period was closed.

On consensus, this item was placed on the Consent Agenda for July 2, 2019.

FY20 Public Defender Indigent Services Agreement:

Presented by: Justin Kirouac, County Administrator
Discussion: The Public Defender Indigent Services Agreement for FY20 is a joint agreement with Athens-Clarke County with Oconee County’s portion totaling \$181,351.00.

Public Comment Period was opened and there was none.

On consensus, this item was placed on the Consent Agenda for July 2, 2019.

FY20 Family Connection Contract:

Presented by: Amanda Davis, Director, Oconee Area Resource Council
Discussion: Ms. Davis thanked the Board for support of Family Connection and stated that the grant will remain at \$50,00.00 for FY20, focusing on the same programs and services as FY19.

Public Comment Period was opened and there was none.

Motion to Approve: Mark Saxon
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: APPROVED-FY20 Family Connection Contract in the amount of \$50,000.00 with Oconee County as the Fiscal Agent.

FY20 Property and Liability Insurance Proposal:

Presented by: Chairman John Daniell
Discussion: Property and Liability Insurance proposal with ACCG-IRMA (Association County Commissioners of Georgia – Interlocal Risk Management Agency) in the amount of \$209,314.00.

Public Comment Period was opened and there was none.

On consensus, this item was placed on the Consent Agenda for July 2, 2019.

Conveyance of Right-of-Way Deed – Value Added Concepts, LLC:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Right-of-Way Deed is presented for conveyance to the County of 0.51 Acres as shown on a survey entitled “Final Plat for Value Added Concepts, LLC” dated January 16, 2019 (Plat Book 2019, page 51) and located on Old US Highway 441. Staff recommends approval after Ken Beall, Beall and Company, reviewed and County Attorney Daniel Haygood reviewed and approved as to form.

Public Comment Period was opened and there was none.

On consensus, this item was placed on the Consent Agenda for July 2, 2019.

Authorization to Amend and Revise the FY2019 Budget:

Presented by: Justin Kirouac, County Administrator
Discussion: Annual request allowing the Finance Director to amend and advise current year’s budget (FY2019) to close out the fiscal year in accordance with the Governmental Accounting Standards Board (GASB).

Public Comment Period was opened and there was none.

On consensus, this item was placed on the Consent Agenda for July 2, 2019.

Declaration-of-Taking Condemnation Proceedings of Easements - Dickens Farms, Inc:

Presented by: Chairman John Daniell
Discussion: Easements include 74,466 square feet of Permanent Utility Easement; 73,891 square feet of 24-month Temporary Construction Easement; and 12,242 square feet of Access Easement, 239th G.M. District of Oconee County. Property is located at 1790 Mars Hill Road, Parcel B04 040. Zoning A-1. Amount \$50,315. This is subject to approval as to form by County Attorney Daniel Haygood.

Presented by: Thomas Mitchell, Attorney
Discussion: After negotiations with Dickens Farms, Inc., there has been no agreement to acquire sewer easement for the Barber Creek Sewer Extension Project. An appraisal has been completed and the proper notices filed.

Chairman John Daniell presented the following timeline regarding negotiations:

- October 2018 - Dickens Farms, Inc. (DFI) was contact by County agent regarding survey of property.
- November 5, 2019 – Meeting with DFI requesting \$2 million and 200 sewer connections.
- January 11, 2019 (a.m.) - County Attorney provides County Agent with DFI to begin discussions.
- January 11, 2019 (p.m.) – County Agent calls Chairman stating conversation with DFI did not go well. DFI advised Agent that price was already communicated to County.
- January 11, 2019 – Call received from DFI stated it felt threatened by Agent regarding a reference to condemnation, and DFI did not want further conversations with Agent.
- January 24, 2019 – Meeting with DFI requesting \$2 million and 200 sewer connections.
- February 15, 2019 – Phone call from County to DFI; Emailed easement agreements and maps.
- March 7, 2019 – DFI hand-delivered letter to County and entered \$4 million on “compensation line” of documents.
- March 7, 2019 – County received call from DFI to verify receipt of hand-delivered letter. DFI stated that \$4 million is compensation to purchase the entire property. County reviewed site and determined that County had no use for the entire property. County communicated to DFI that there was no interest in the entire property and an offer of \$150,000.00 was presented for the easements. The offer was rejected.
- April 23, 2019 – County called DFI. Offer of \$125,000.00 and stated that, if rejected, the next step would be for county to commission an appraisal of the property easements.

- April 24, 2019 – DFI hand-delivered letter to County to confirm rejection of the offers of \$150,000.00 and \$125,000.00. DFI counter offered that the County purchase the entire tract or rezone the tract and provide residential sewer connections.
- May 22, 2019 – DFI received an offer from the County via Thomas Mitchell, Attorney, for the appraised value of \$50,315.00. Offer rejected by DFI by sending a copy of the April 24, 2019 letter to County counsel.
- June 4, 2019 – DFI served with process notice of possible action for the June 25, 2019 Board of Commissioners Meeting.

Public Comment Period was opened.

Doug Dickens, Dickens Farms Inc. – Mr. Dickens stated that a letter dated September 12, 2005, from Gary Dodd, Utility Director, guaranteed sewer capacity for the property. Dickens Farms is not seeking compensation, but wants sewer connections to develop the property. He asked that the Board honor the 2005 letter and rezone the property for the Master Plan Development (MPD). He asked that the County give the same consideration given to Parkside and allow Dickens Farms sewer capacity and rezone of the property to an MPD.

Jason Dickens – If the County did not agree to take back the sewer capacity (from Parkside), then why is there a lawsuit agreement? You told us you would have to approach Parkside to pay for the easement, correct? Chairman Daniell clarified that Parkside was not approached regarding costs of the easements and only discussed with Parkside that Dickens Farms may be interested in selling the entire property should Parkside wish to contact Dickens Farms.

Public Comment Period was closed.

Further discussion by the Board included: The County has no need for the entire property; a rezone cannot be provided in consideration for property; since there was no residential sewer capacity available at time of the 2005 letter, the Master Plan Development (MPD) was not submitted for a rezone and is not approved for an MPD; payment for residential sewer capacity was received from Parkside; payment for residential sewer capacity was not received by Dickens Farms, Inc; Settlement Agreement with Parkside included modified conditions of the zoning and reduced density.

Motion to Approve: Chuck Horton
 Second: Mark Saxon
 Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
 Voted Against Motion: None.
 Action/Motion: Declaration-of-Taking Condemnation Proceedings of Easements - Dickens Farms, Inc. including 74,466 square feet of Permanent Utility Easement; 73,891 square feet of 24-month Temporary Construction Easement; and 12,242 square feet of Access Easement, 239th G.M. District of Oconee County, 1790 Mars Hill Road, Parcel B04 040, Zoning A-1, amount \$50,315, subject to approval as to form by County Attorney.

Executive Session:

Adjourn into Executive Session: 6:38 p.m.
 Discuss: Personnel Matters, Land Acquisition
 Motion to Approve: Mark Thomas
 Second: Chuck Horton
 Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
 Voted Against Motion: None.
 Adjourn Executive Session: 6:53 p.m.

Adjourn into Regular Session:

Motion to Approve: Bubber Wilkes
 Second: Chuck Horton
 Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
 Voted Against Motion: None

Land Acquisition Contract for Administration Building:

Motion to Approve: Mark Saxon
 Second: Chuck Horton
 Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
 Voted Against Motion: None
 Action/Motion: APPROVED-Land Acquisition Contract in the amount of \$650,000.00 with 2004 SPLOST funds and interest being used to purchase the property.

Meeting Adjournment:

Meeting Adjourned: 6:55 p.m.
 Motion to Approve: Bubber Wilkes
 Second: Chuck Horton
 Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
 Voted Against Motion: None.

Chairman John Daniell

Kathy Hayes, County Clerk

Date: _____