

**Board of Commissioners Regular Meeting
Courthouse Commission Chambers
August 6, 2019 – 6:30 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
Gabriel Quintas, Assistant Planning & Code Enforcement Director
Grace Tuschak, Planner

Call to Order: 6:30 p.m.

Pledge of Allegiance: Commissioner Chuck Horton led the Pledge after a moment of silence.

Approval of Agenda:

Chairman John Daniell requested an amendment to the Agenda to include “Appointment of the Economic Development Task Force” between Item Numbers Four and Five.

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: **Motion Passed** to amend the Agenda to include “Appointment of the Economic Development Task Force.”

Statements and Remarks from Citizens: None.

Statements and Remarks from Commissioners: None.

Approval of Minutes:

Motion to Approve: Bubber Wilkes
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed to Approve:**
July 2, 2019 Regular Meeting Minutes
July 30, 2019 Agenda Setting Meeting Minutes

Economic Development Task Force Appointments:

Chairman John Daniell stated that the Economic Development Task Force will hold public meetings with notices, agendas and minutes posted on the website. Appointments are as follows:

- Board of Commissioner Appointees: Commissioner Mark Thomas and Commissioner Mark Saxon.
- Board of Education Appointees: Tim Burgess
- City Appointees will be included from Watkinsville, Bogart, Bishop and North High Shoals. The City of Bogart has appointed Janet Jones.
- Industrial Development Authority Appointee: Chairman Rick Waller
- Chamber of Commerce Appointee: Tammy Gilland and Brad Tucker
- Citizens at Large: Lisa Douglas and Sharon Maxey

Prior to the motion, Commissioner Horton recused himself due to a conflict of interest.

Motion to Approve: Mark Saxon
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed to Approve** appointees to the Economic Development Task Force as presented. Commissioner Chuck Horton was recused from the motion and vote.

Property Disposition Ordinance – Second Public Hearing:

Presented by: Justin Kirouac, County Administrator
Discussion: Amendments requested include the Finance Director may declare personal County property unserviceable, may decide the most advantageous method of selling, and may approve the sale of personal property at a depreciated value of \$10,000 or less. Approval by the Board will be required with a depreciated cost of more than \$10,000.

Public Comment Period was opened and there was none.

Motion to Approve: Mark Thomas
Second: Bubber Wilkes
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed to Adopt** revisions as presented for the Property Disposition Ordinance.

Public Hearing – Unified Development Code-Articles 6, 7 and 8:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Text Amendments were presented as shown in Department Memo dated July 26, 2019: **Article VI Edits** - Addition of uses to the off-street parking ratio table; update ADA requirements to comply with federal law; clarification of ambiguous language. **Article VII Edits** – Elimination of pole signs. **Article VIII Edits** – Elimination of outdated provisions from past ordinances; addition of prohibited species; organization of allowed plan species; increase of caliper and tree count requirements; clarification of ambiguous language. (Please see Department Memo dated July 26, 2019, regarding “Text Amendments to Articles 6, 7 and 8 of the UDC” attached and made a part of the minutes.)

Public Comment Period was opened and there was none.

Action for the Unified Development Code Article VI Text Amendments:

Motion to Adopt: Mark Saxon
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed to Adopt** the Unified Development Code **Article VI** Text Amendments as presented with staff recommendations as shown in Department Memo dated July 26, 2019.

Action for the Unified Development Code Article VII Text Amendments:

Motion to Adopt: Mark Thomas
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed to Adopt** the Unified Development Code **Article VII** Text Amendments as presented with staff recommendations as shown in Department Memo dated July 26, 2019.

Action for the Unified Development Code Article VIII Text Amendments:

Motion to Adopt: Bubber Wilkes
Second: Mark Saxon
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed to Adopt** the Unified Development Code **Article VIII** Text Amendments as presented with staff recommendations as shown in Department Memo dated July 26, 2019.

Appeal of Administrative Decision – Hokulia Shave Ice Athens:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: The Unified Development Code (UDC) does not permit a mobile food vendor to operate as an accessory use on property containing an existing principal commercial use. Mobile Food Vending is not listed in UDC Table 2.2 or 2.1 and is prohibited under Section 207.06.a and Section 207.06.b. Hokulia Shave Ice filed an Administrative Appeal asking that the Board override the Planning & Code Enforcement decision and allow its operation at the location of 1011 Park Drive (old Dairy Queen location next to Zaxby’s).

Lance and Leanne Palmer, Owners of Hokulia Shave Ice, stated that the business is seasonal, operating April through October, and has 20 teenage employees. Since the business is not prohibited in the code, then it should be allowed to operate.

Action for Administrative Appeal:

Motion to Deny: Chuck Horton
Second: Mark Saxon
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Deny the Appeal of Administrative Decision Passed.**

Request to Allow Deviation of Minimum Roof Pitch Requirement-Edward and Kay Read, Kennedy Road:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Applicants request they be allowed to construct a home with a roof pitch less

than 4:12 as required by UDC Section 304.04. Staff recommends approval of the request.

Public Comment Period was opened.

Gabe Comstock, AR Collaborative, stated that the design is a small, low-profile home that will blend with the context of the property and keep costs down for the homeowner. The home will not be visible from a public street.

Public Comment Period was closed.

Motion to Approve: Mark Saxon
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Approve Passed** to allow Applicants Edward and Kay Read to construct a home with a roof pitch of less than 4:12.

Request to Allow Deviation of Minimum Roof Pitch Requirement-Milton Garland, McNutt Creek Road:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Applicant requests constructing a home with a roof pitch less than 4:12 as required by UDC Section 304.04. Staff recommends approval of the request.

Public Comment Period was opened and there was none.

Motion to Approve: Mark Thomas
Second: Bubber Wilkes
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Approve Passed** to allow Applicant Milton Garland to construct a home with a roof pitch less than 4:12.

Rezone No. 7798: Applicant-Carter Engineering, Inc. (tabled from the July 2, 2019 Regular Board Meeting)

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Rezone No. 7798 was presented to the Board at its July 2, 2019 meeting. Request for withdrawal has been received, and staff requests denial of the withdrawal request. Staff recommends approval of the Rezone No. 7798 modification request with the following conditions:

- 1) Encroachment into the 40-foot undisturbed buffer is restricted to only Lot 1 for the purposes of an appropriate-sized detention pond, if needed, and as approved by Public Works. Any required drainage easements will be outside of the 40-foot undisturbed buffer with the exception of Lot 1 as proposed by the Applicant;
- 2) Provide a revised plat for each lot showing any required drainage easement and/or detention pond on each lot prior to the release of a Certificate of Occupancy.

(The Public Comment Period was held previously at the July 2, 2019 Regular Meeting of the Board.)

Action for Withdrawal Request:

Motion to Deny: Chuck Horton
Second: Bubber Wilkes
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Deny Withdrawal Request Passed.**

Action for Rezone No. 7798:

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.
Action/Motion: **Motion to Approve Rezone No. 7798 Passed** as presented by Staff with two conditions.

Rezone No. 7735, Variance No. 7811, Special Use No. 7791, Variance No. 7792: Applicant – JDG Investments, LLC; Location – Highway 78 (4900 Old Monroe Highway)

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: **Rezone No. 7735:** Planning Commission recommended approval and Staff recommends conditional approval with 10 conditions; Planning Commission recommended condition to address boarding/animal kennels; Staff recommends condition for connection to public water and sewer; total of 12 conditions.

Special Exception Variance No. 7811: Staff recommends that the requirements have been met for a Special Exception Variance and recommends a limited approval, stating that only the buffer between the event venue and commercial development be waived, but that the 50-foot buffer be retained between remaining residential property and the hotel.

Special Use No. 7791: Planning Commission recommended approval and staff recommends conditional approval with seven (7) conditions and two proposed conditions regarding amplified sound. Staff is open to three (3) conditions submitted by Applicant for consideration.

Special Exception Variance No. 7792: Staff recommends that the

request meets the requirements for a Special Exception Variance with one (1) condition for approval.

Public Comment Period was opened.

Bob Smith, Smith Planning Group and owner representative, stated that the property owners would like to use the property as an event venue with a restaurant and boutique hotel located on the property. Mr. Smith discussed Rezone No. 7735 (restaurant, specialty shops and boutique hotel), Special Exception Variance No. 7811 (requesting that buffers be reduced and/or removed), Special Use No. 7791 (proposing conditions to manage amplified sound and fireworks) and Special Exception Variance No. 7792 (waive paving requirements).

Darrel Garner signed to speak in favor of the request, but declined.

Barbara Gasaway, Owner, stated that the property has been enjoyed by many people over the years due to barbeques held on the property. She believes the proposed development will allow people to continue to enjoy the beauty of the property and is the best use.

Lt. Col. Perry signed to speak against the request, but stated he is not against the development. He is an adjoining property owner and would like assistance regarding his concerns about the noise amplification with fireworks and concerts.

Kirk McClellan, signed to speak against the request and is concerned about concerts that could be held on the property. He would also like to have time constraints regarding fireworks.

Public Comment Period was closed.

Action for Rezone No. 7735:

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: **Motion to Approve Passed**– Rezone No. 7735; Applicant-JDG Investments, LLC; Owner-Barbara Gasaway; Location-4800 Monroe Highway; ±28.35 Acres; Zoning Change from A-1 to B-1 and B-2 for the purpose of a farm-to-table restaurant, several specialty retail shops and two-story boutique hotel with a total of 12 conditions as recommended by Staff and Planning Commission.

Action for Special Exception Variance No. 7811:

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.
Action/Motion: **Motion to Approve Variance No. 7811 Passed:** Applicant-JDG Investments, LLC; Owner-Barbara Gasaway; Location-4800 Monroe Highway; ±28.34 Acres; with one (1) condition to waive the requirement of incompatible use buffers between AG and B-1/B-2 zoning districts and require 15-foot buffers on the northern and southern property lines.

Action for Special Use No. 7791:

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.
Action/Motion: **Motion to Approve Special Use No. 7791 Passed:** Applicant-JDG Investments, LLC; Owner-Barbara Gasaway; Location-4800 Monroe Highway; Zoned-AG; ±72.81 Acres; approval to allow existing antebellum home and portion of property to be used as an event venue with a total of ten (10) conditions, which includes seven (7) conditions proposed by Staff three (3) conditions proposed by the Applicant. Applicant Conditions are as follows: “Upon issuance of a Certificate of Occupancy for a single family residence on parcel numbers A02018, A02018e or A02018f, the following limitations are placed on the production of amplified sound: 1) Amplified sound outside of the main assembly structure shall be limited to the southern portion of the property between the event venue structure (existing antebellum home) and the southern property line; 2) Amplified sound will be oriented in a southerly direction; 3) Amplified sound shall cease at the following times: Sunday through Thursday at 9:00 p.m. and Friday and Saturday at 10:00 p.m.”

Action for Special Exception Variance No. 7792:

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

Action/Motion: **Motion to Approve Variance No. 7792 Passed:** Applicant-JDG Investments, LLC; Owner-Barbara Gasaway; Location-4800 Monroe Highway; Zoned-AG; ±72.81 Acres; with one (1) condition recommended by Staff.

Special Exception Variance No. 7804: Applicant – Tim Autrey; Location-1230 Choyce Johnson Road

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: Staff recommends that the request does not meet the requirements for Special Exception Variance. Should the Board approve, Staff recommends one (1) condition.

Public Comment Period was opened.

Tim Autrey, property owner, asked that the Board allow him to leave the buildings in their current location.

Public Comment Period was closed.

Motion to Approve: Mark Saxon
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Bubber Wilkes, Mark Saxon
Voted Against Motion: Chuck Horton

Action/Motion: **Motion to Approve Special Exception Variance No. 7804 Passed, 3-0 Vote:** Applicant-Tim Autrey; Owners-Thie, Pam and Tim Autrey; Location-1230 Choyce Johnson Road; Zoned-AG; ±5.0 Acres; reducing the building setback from 25 feet to 8.3 feet for two accessory buildings on property with one (1) condition as recommended by Staff.

Rezone No. 7814: Applicant – ERT, Inc; Location-Talus Street

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: Planning Commission recommended approval and staff recommends conditional approval with one (1) condition.

Public Comment Period was opened.

David Elder, ERT, Inc. asked that the Board allow the downzoning, because there is more interest in residential property than commercial property at present. No sewer will be needed as the home can have a septic system and the stormwater detention area is shallow.

Public Comment Period was closed.

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

Action/Motion: **Motion to Approve Rezone No. 7814 Passed:** Applicant-ERT, Inc.; Owner-Terreck Holdings, LLC; Location-1040 Talus Street, Bogart; Zoned-OIP to R-1; ±1.52 Acres; allowing zoning change to R-1 to allow for construction of a single-family home with one (1) condition as recommended by Staff.

Rezone No. 7826: Applicant – Richard R. Pendergrass; Location-6351 Colham Ferry Road

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: Planning Commission recommended approval and staff recommends conditional approval with five (5) conditions.

Public Comment Period was opened.

Richard Pendergrass, manager of Elder Farms LP, asked for the rezone to allow an additional lot in order to reduce the size and cost of the lots.

Chuck Rosenberger spoke against the rezone asking that the Board view the rezone as setting a precedent for spot zoning.

Richard Pendergrass (Rebuttal) stated that the smallest lot is 11 acres. The property is in the Conservation Use Program. Buffers are required and will keep the property similar to other properties in the area.

Public Comment Period was closed.

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

Action/Motion: **Motion to Approve Rezone No. 7826 Passed:** Applicant-Richard R. Pendergrass; Owner-Elder Farm, LP; Location-6351 Colham Ferry Road; ±64.31 Acres; rezone from AG to AR-3 to allow division of property into five single-family residential lots with five (5) conditions as recommended by Staff.

Rezone No. 7827: Applicant – Darrell Baker; Location – Mars Hill and Barber Creek Drive

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: Planning Commission recommended approval and staff recommends conditional approval with five (5) conditions.

Public Comment Period was opened.

Darrell Baker, Randolph Williams Commercial Real Estate and Owner Representative, stated the staff gave a thorough presentation and his client is agreeable to the conditions.

Public Comment Period was closed.

Motion to Approve: Chuck Horton
Second: Bubber Wilkes
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Approve Rezone No. 7827 Passed:** Applicant-Darrell Baker; Owner-D.T. Sanders; Location-1021 Barber Creek Drive; ±2.741 Acres; rezone from AR to B-1 to allow construction of two medical/professional office buildings with five (5) conditions as recommended by Staff.

Consent Agenda

No items were removed from the Consent Agenda.

Motion: Mark Saxon
Second: Bubber Wilkes
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None
Action/Motion: **Motion Passed to Approve** Consent Agenda Items.

- 1) Approve Alcohol License Application for Newk's Eatery located at The Markets of Epps Bridge, 1850 Epps Bridge Parkway, with Charles (Dillon) Harper as the Registered Agent.
- 2) Bid Award to CMES, Inc. for the Mars Hill Road, Virgil Langford Road and Rocky Branch Road Intersection Improvement Project in an amount not to exceed \$702,447.00. Total cost of project, including traffic signal, shall be approximately \$802,000.00.

Executive Session:

There was no Executive Session.

Meeting Adjournment:

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.
Meeting Adjourned: 8:33 p.m.

John Daniell, Chairman

Kathy Hayes, County Clerk

Date: _____