

**Oconee County Board of Commissioners Meeting
Courthouse Commission Chambers
February 1, 2022 – 6:00 p.m.
Minutes**

Members Present:

Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner Amrey Harden
Commissioner Mark Saxon via Zoom

Staff Present:

Justin Kirouac, County Administrator
Daniel Haygood, County Attorney
Holly Stephenson, County Clerk
Alex Newell, Internal Services Director
Wes Geddings, Finance Director
Guy Herring, Planning and Code Enforcement Director
Grace Tuschak, Senior Planner
Cindy Pritchard, KOCBC Director
Tracye Bailey, Deputy Clerk
Diane Baggett, Communications Manager

Call to Order: 6:00 p.m.

Chairman John Daniell called the meeting to order and stated that participants using Zoom may comment by using the raised-hand feature.

Pledge of Allegiance:

County Attorney Daniel Haygood led the Pledge after a moment of silence.

Approval of Agenda:

ACTION:

Motion:	Chuck Horton made a motion to approve the February 1, 2022 Agenda.
Second:	Mark Thomas
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Final Action:	Motion Passed.

Statements and Remarks from Citizens:

None.

Statements and Remarks from Commissioners:

Chairman Daniell announced two appointments for the Oconee County Board of Tax Assessors for terms April 1, 2022 through March 31, 2028. Application deadline is February 15, 2022.

Railroad crossing maintenance will be underway in Bogart so some delays can be expected.

Approval of Minutes:

Minutes of January 4, 2022 Regular Meeting; January 25, 2022 Agenda Meeting; and January 27, 2022 Called Meeting;

ACTION:

Motion: Chuck Horton made a motion to approve the minutes of the January 4 Regular Meeting, January 25 Agenda Meeting, and January 27 Called Meeting.

Second: Mark Thomas

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon

Voted Against Motion: None

Final Action: **Motion Passed.**

Rezone No. P21-0214:

Applicants:	Carter Engineering Consultants
Owners:	Frazer Creek Investments, LLC
Location:	1040 Aycock Road
Acreage:	±4.25
Zoning:	AG (Agricultural District)
Request:	AR (Agricultural Residential District)

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned AG (Agricultural District) in the Country Estates Character Area. The applicants/owners request AR (Agricultural Residential District) to allow for two residential lots. Staff recommend approval of this request with one condition and Planning Commission recommends denial.

The Public Hearing was opened.

Jeff Carter, Carter Engineering Consultants, 3651 Mars Hill Road, represents Frazier Creek Investments which is owned by Mr. Tony Townley, who wishes to demolish the existing structure on the property and replace it with two homes, each on two-plus acre lot. There are no wetland issues with this property, and no traffic concerns on Aycock Road. The homes will be of high-quality construction built by a local builder. This project fits the comprehensive plan of the county. He additionally described the properties that Mr. Townley currently owns and is making improvements to in order to make them more attractive.

Russell Wills, CPA for the Townley family, advocated that the Townley family is improving properties and using real estate to offset cost of farming. He states that Mr. Townley will spend more money than necessary to make these properties as high of quality as possible. The plan only adds one additional structure to the property, but replacing the existing structure will make the property more attractive.

There were no further comments in favor of the request and no "raised hands" via Zoom.

Patrick Whitehead, 1493 Rays Church Road, spoke against the rezone, expressing concern over the housing planned bringing in people from outside the county. He states additional housing in this area will bring extra traffic, extra noise, water issues and increased taxes.

Robert Bridges, Rays Church Road, who has owned rental properties himself, spoke against the rezone. He is concerned with the ability to keep quality tenants who will maintain the properties. He proposes five acres lots with single family septic tanks. Other concerns are traffic, speed, and internet coverage with the additional homes.

Debra Brown, Aycock Road, spoke against both rezones #P21-0214 and #P21-0215, stating the development will no longer meet the definition of the Country Estates Character Area. Additionally, there will be strain on the County's services and infrastructure, pollution, traffic, waste and an impact on the wildlife. She believes homeowners would be more productive in the community over renters.

Brandi Brown, Aycock Road, spoke in opposition to both rezones due to the country atmosphere of the area and the proposed development not meeting that atmosphere. She also expressed concerns over increased traffic, potholes, and no shoulders on roadways.

Matt Alexander, 1531 Aycock Road, spoke against the rezone expressing concerns over additional homes in a rural area, increased traffic, and rental properties with little to no rules governing them. Additionally, if this rezone passes, he feels there will be many more rezone requests that will affect the quality of the country lifestyle of the current residents.

Mandy Brown Moreira, Daniels Bridge Road, grew up on Aycock Road and spoke against the two rezones. She expressed concern over this rezone passing which will lead to many more requests that will change the country lifestyle of current residents.

Annie Frazier, 1330 Rays Church Road, spoke against the rezone and expressed concerns about safety when living among rental homes.

(An additional citizen had signed to speak against the rezone, but the 20-minute time limit expired)

Rebuttal:

Jeff Carter explained that the Townley family already has a track record of renting properties in Oconee County that are well maintained. The price of these homes and amount of rent on two-acre tracts will attract a different type of renter than what has been described.

The Public Hearing was closed.

Commissioner Horton brought up the comprehensive plan and following its design. He confirmed the county has no ordinance that can prevent a citizen from renting their property if they choose and that rental properties are not tracked by the Planning Department.

Commissioner Thomas asked Jeff Carter to explain the ground water issues of our geographical area. Jeff Carter explained there will be no issue as no true aquifer in this area.

Commissioner Thomas also addressed road improvements done on Aycock and Matthews Roads not too long ago, but County Administrator Justin Kirouac added that they may need to be re-addressed.

ACTION:

Motion:	Mark Thomas made a motion to approve Rezone No. P21-0214 for Frazer Creek Investments from AG (Agricultural) to AR (Agricultural Residential District) with one condition.
Second:	Chuck Horton
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Final Action:	Motion Passed to approve Rezone #P21-0214 with one condition. (See documentation in Ordinance and Resolutions Book No. 22.)

Rezone No. P21-0215:

Applicants:	Carter Engineering Consultants
Owners:	Townley Family Partnership, LLLP
Location:	Aycock Road
Acreage:	±12.53
Zoning:	AG (Agricultural District)
Request:	AR (Agricultural Residential District)

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned AG (Agricultural District) in the Country Estates Character Area. The applicants/owners request AR (Agricultural Residential District) to allow for five residential lots with a private access drive. Staff recommends approval of this request with two conditions. Planning Commission recommends denial.

The Public Hearing was opened.

Jeff Carter, Carter Engineering Consultants, 3651 Mars Hill Road, who represents Mr. Townley spoke in favor of the request to rezone the property into five lots of over two acres each. All properties will share a private access drive, and Mr. Townley will include a declaration with purchase to make sure the property will be maintained into the future.

Russell Wills, CPA for Mr. Townley, spoke in favor of the rezone. He states Mr. Townley always goes above and beyond what is required to make sure his projects are a benefit to our community.

There were no further comments in favor of the request and no "raised hands" via Zoom.

Robert Bridges, Rays Church Road, spoke against the rezone explaining adverse effects of property values for current residents. He asked Board to consider the detrimental effect of more rental property on the same road.

Debra Brown, Aycock Road, spoke against the rezone adding that there is no way the road can accommodate more traffic.

Brandi Brown, Aycock Road, spoke against the rezone adding that the entire infrastructure of the area is a concern.

Matt Alexander, 1531 Aycock Road, spoke against the rezone with concerns of additional requests for rezoning in the future on Aycock and Matthews Roads, along with the surrounding area.

Mandy Brown Moreira, Daniels Bridge Road, spoke against the rezone expressing concern over how far the rental developments will go in the area if not stopped now.

Annie Frazier, 1330 Rays Church Road, spoke against the rezone expressing concern over their country quality of life with additional homes and neighbors so close by.

James Frazier, 1330 Rays Church Road, spoke against the rezone expressing concern over new neighbors, traffic, crime, and the quality of country life.

Patrick Whitehead, 1493 Rays Church Road, spoke against the rezone and asked about a geological survey done on the land to see how additional homes would affect the current water table. He also asked for democracy in this vote.

Chairman Daniell asked if there were "raised hands" via Zoom.

Haley Brown (virtual) spoke against the rezone, urging the Board to consider the community voice that is speaking tonight against this rezone.

The Public Hearing was closed.

At Commissioner Harden's request, Guy Herring explained the one foot, no access easement and discussed water run-off and the proposed detention pond on the property. Commissioner Horton asked about tree planting plans and encouraged citizen input on updates to the comprehensive plan. Jeff Carter responded there will be street tree planting as part of development process as required.

Commissioner Thomas again addressed water quality, asking about the approval process for a well and septic system, and the topography for run-off. Jeff Carter responded that the State Environmental Health department has a rigid process with some very high standards that must be met. He also confirmed all the run-off will go into the public right of way.

Commissioner Harden asked about the possibility of adding a condition to screen the Frazier property line with vegetation.

ACTION:

Motion: Chuck Horton made a motion to approve Rezone No. P21-0215 from AG (Agricultural) to AR (Agricultural Residential District) ±12.53 acres, Aycock Road, with three conditions to include an evergreen screening of 10-foot width and 6-foot height at time of planting along the Frazier property line.

Second: Amrey Harden

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon

Voted Against Motion: None

Final Action: **Motion Passed to approve Rezone #P21-0215 with three conditions.**
(See documentation in Ordinance and Resolutions Book No. 22.)

Rezone No. P21-0241:

Applicants:	Michael B. Thurmond, P.E.
Owners:	Kyle Scott
Location:	1370 Ridgeway Road
Acreage:	±5.00
Zoning:	AG (Agricultural District)
Request:	AG (Agricultural District) to AR (Agricultural Residential District)

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned AG (Agricultural District) in the Country Estates Character Area. The applicants/owners request AR (Agricultural Residential) in order to subdivide the property into two lots. Staff recommends approval with two conditions. Planning Commission recommends denial.

The Public Hearing was opened.

Bret Thurmond, West Thompson Street, Bogart, speaking on behalf of the owner, proposes one additional home on the property that will be sold. There will be a private road installed at county standards for access which will have a turn for safety. The current residence has been in a five-year lease while the owner was in the service, which has resulted in the home not being kept in the best shape. Some improvements are being done, and the house will be brought up to a higher standard when the second home is built. The development and construction will be as Oconee County requires.

Kyle Scott, owner, addressed some neighbor concerns. He is in the process of improving the appearance of his current rental residence and plans to widen the driveway according to code. In response to sewage on his property, he states Environmental Health inspected the camper on the property and confirmed no sewage on the property. He did express that septic lines needed repair.

There were no further comments in favor of the request and no "raised hands" via Zoom.

Chris Boswell, Ridgeway Road, who lives next door, spoke against the rezone stating concerns over this property being in poor condition for years. His concerns include the easement and driveway, safety, trash, an occupied camper on property, and the owner's track record of not keeping his property up. Phone calls made to the owner and his father have had no result. He has spent his own money improving the driveway. He has observed raw sewage being released on the property. He does not support giving this owner another property with his track record of poor upkeep and maintenance.

Diane Grant, 2001 Moore's Ford Road, who lives on the property behind this parcel, spoke against the rezone. She expressed concern over the upkeep of this property. When she moved there in 2000, she and her husband approached the house to meet the neighbors and encountered a trailer and raw sewage in the front yard. She also expressed concern over the proposed cul-de-sac and road widening because it runs along the back of her property.

There were no further comments against the request and no "raised hands" via Zoom.

Rebuttal:

Bret Thurmond, addressed some concerns explaining the new private drive will turn and no longer run along the Grant property. The portion of the driveway by their parcel will not be widened. The developer will follow county ordinance in all plans and improve the property with updates to the existing home to attract new renters along with the addition of the new home.

The Public Hearing was closed.

Commissioner Thomas questioned a portion on the front of property where water is being held. Bret Thurmond responded that required grading will be completed and water run off will be addressed. Commissioner Thomas questioned a one-foot, no access easement being violated. Bret Thurmond responded that the easement is original to the property and violation is being done by another property owner. Commissioner Thomas asked about the paving plan to modify the existing road. Bret Thurmond responded they may have to grind up existing asphalt and completely re-pave to county standards. Commissioner Thomas questioned who would pay for improvements and maintain them in the future. Bret Thurmond responded that Mr. Scott would pay for all improvements, and it could be conditioned to require maintenance in the future. Commissioner Thomas pointed out the steep topography changes where the cul-de-sac is proposed. Bret Thurmond responded the grading will be done as necessary. Commissioner Thomas asked about plans for separate wells or a common well. Bret Thurmond responded each property will have its own well and septic system. Commissioner Thomas questioned whether Environmental Health had been contacted and approved the square footage needed for the wells and addressing septic system issues. Bret Thurmond assured him all would be addressed and there would be ample acreage to meet what the law requires to make new drain fields as needed. Commissioner Horton asked if anyone lives in the camper on the property. Kyle Scott responded there was someone living there. Environmental Health stated they could live there and use the septic system short term. Commissioner Horton questioned the definition of short term. Kyle Scott admits his property wasn't taken care of while he was away in military. He states he will fix things as he is made aware. Commissioner Thomas confirmed with Guy Herring that campers are not an allowable residence in Oconee County. Commissioner Harden questioned Guy Herring about the one-foot, no access easement prohibiting the Kilpatricks from subdividing their property. Commissioner Thomas questioned Mr. Herring about additional easements required.

ACTION:

Motion: Chuck Horton made a motion to deny Rezone No. P21-0241 from AG (Agricultural) to AR (Agricultural Residential), 5.00 Acres, 1370 Ridgeway Road.

Second: Amrey Harden

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden

Voted Against Motion: Mark Saxon

Final Action: **Motion Passed 3 to 1 for denial of Rezone #P21-0241.**
(See documentation in Ordinance and Resolutions Book No. 22.)

Rezone No. P21-0242:

Applicants:	Pittman Engineering
Owners:	Mike Power and NIW Holdings, LLC

Location:	1181 and 1211 Dials Mill Extension
Acreage:	±6.04
Zoning:	AG (Agricultural District) and OBP (office Business Park District)
Request:	OBP (Office Business Park District)

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned AG (Agricultural District) and OBP (Office Business Park District) in the Technology Gateway Character Area. The applicants/owners request OBP (Office Business Park District) for a multi-use commercial development. This request is accompanied by special use case #P21-0243 for mini-warehouses and self-service storage units. Planning Commission and Staff recommend approval of this request with four conditions.

The Public Hearing was opened.

Frank Pittman, 1400 Saxon Road, representing property owners Mike Power and NIW Holdings, LLC, propose a zoning modification to allow for the self-storage use and a rezone of the AG portion to build a self-storage facility and office warehouse building. This proposal meets the county's comprehensive plan for Technology Gateway.

There were no further comments in favor of the request and no "raised hands" via Zoom.

Sharon Thelen, Dials Mill Plantation Drive, questioned the need for this type of development with many similar buildings within a three-mile radius. She expressed concern of buildings sitting and deteriorating if not needed. She requested denial of the request as there is no existing need.

There were no further comments against the request and no "raised hands" via Zoom.

Rebuttal:

Frank Pittman, addressed the concerns and explained that recent studies indicate the country is under-stored. In checking with local storage companies, many are full and much is for residential storage needs. He also argues that while office space is plentiful, office warehouse space is in demand.

The Public Hearing was closed.

Commissioner Horton commented that the Board does not make decisions on whether a developer should do a certain project. The Board decides whether the project is allowed.

Commissioner Harden questioned whether a definite plan for the Highway 316 at Dials Mill Extension intersection is complete.

Frank Pittman replied the owner that plan is not complete.

ACTION:

Motion: Mark Thomas made a motion to approve Rezone No. P21-0242 from AG (Agricultural) and OBP (Office Business Park) to OPB (Office Business Park District) to allow for general office and office-warehouse space with four conditions.

Second: Amrey Harden

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon

Voted Against Motion: None

Final Action: **Motion Passed to approve Rezone #P21-0242 with four conditions.**

(See documentation in Ordinance and Resolutions Book No. 22.)

Special Use Approval No. P21-043:

Owner:	Pittman Engineering
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Applicant:	Mike Power and NIW Holdings, LLC
Location:	1181 and 1211 Dials Mill Extension
Acreage:	±6.04
Zoning:	AG (Agricultural District)
Request:	Special Use Approval for mini-warehouses and self-service storage units

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned AG (Agricultural District), Technology Gateway Character Area. Owner/Applicant requests a special use approval for mini-warehouses and self-service storage units. Staff and Planning Commission recommend approval with four conditions.

ACTION:

Motion: Mark Thomas made a motion to approve Special Use No. P21-043, to allow for mini-warehouses and self-service storage units with four conditions.

Second: Amrey Harden

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon

Voted Against Motion: None

Final Action: **Motion Passed to approve Special Use No. P21-043 with four conditions.**

(See documentation in Ordinance and Resolutions Book No. 22.)

Rezone No. P22-0001:

Applicant:	Oconee County Board of Commissioners
Owners:	Oconee County Board of Commissioners
Location:	Corner of Veterans Memorial Parkway and Macon Highway
Acreage:	±7.62
Zoning:	AR (Agricultural Residential District)
Request:	AR (Agricultural Residential District) to OIP (Office Institutional Professional)

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned AR (Agricultural Residential District) Civic Center Character Area. Owner/Applicant request rezone from AR (Agricultural Residential District) to OIP (Office Institutional Professional) for the County Administrative Building. Staff recommends approval of the rezone.

The Public Hearing was opened

There were no comments in favor of the request and no comments against the request.

Chairman Daniell asked if there were "raised hands" via Zoom and there were none.

The Public Hearing was closed.

ACTION:

Motion: Chuck Horton motioned to approve Rezone No. P21-0001 from AR (Agricultural Residential District) to OIP (Office Institutional Professional), ±7.63 acres, Macon Highway and Veterans Memorial Parkway.

Second: Mark Thomas

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon

Voted Against Motion: None

Final Action: **Motion Passed to approve Rezone #P21-0001.**

(See documentation in Ordinance and Resolutions Book No. 22.)

Consent Agenda:

There were no items removed from the Consent Agenda.

ACTION

Motion:	Mark Thomas made a motion to approve all items as presented on the Consent Agenda.
Second:	Chuck Horton
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Final Action:	Motion Passed.

- 1) Approval of the Proposed Updates to the Fiscal Ordinance.
- 2) Approval of the Keep Oconee County Beautiful Commission Proposed Bylaw Updates.
- 3) Approval of the 2022 Resurfacing Bid Award and necessary documents.

Executive Session:

Motion:	Mark Thomas made a motion to adjourn into Executive Session to discuss land acquisition.
Second:	Chuck Horton
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Action/Motion:	Motion Passed.
Adjourn into Executive Session:	8:34 p.m.

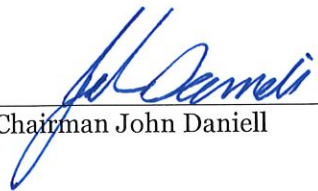
No action was taken in Executive Session.

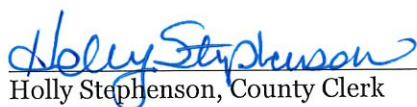
Regular Session:

Motion:	Mark Thomas made a motion to adjourn back into Regular Session.
Second:	Amrey Harden
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Action/Motion:	Motion Passed.
Adjourned into Regular Session:	8:48 p.m.

Meeting Adjourned:

Motion:	Mark Saxon made motion to adjourn the meeting.
Second:	Mark Thomas
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Action/Motion:	Motion Passed.
Meeting Adjourned:	8:48 p.m.


Chairman John Daniell


Holly Stephenson, County Clerk

3-1-22
Date