

**Oconee County Board of Commissioners Meeting
Courthouse Commission Chambers
September 13, 2022 – 6:00 p.m.
Minutes**

Members Present:

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

Staff Present:

Daniel Haygood, County Attorney
Justin Kirouac, County Administrator
Holly Stephenson, County Clerk
Alex Newell, Internal Services Director
Guy Herring, Planning and Code Enforcement Director
Melissa Braswell, Finance Director
Cindy Pritchard, KOCBC Director

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:

Commissioner Amrey Harden led the Pledge after a moment of silence.

Approval of Agenda:

Chairman John Daniell requested to amend the agenda removing items 7.4 and 7.5: Appointments for the Board of Elections Chair and Tourism Bureau Member.

ACTION:

Motion:	Chuck Horton made a motion to approve the September 13, 2022 Agenda with the removal of the two appointment items.
Second:	Mark Saxon
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 acknowledged the ribbon cutting for the expansion of the Senior Center last week, thanking Governor Kemp for grant involved with funding. Also, TSPLOST information is available on the website along with a brief survey for citizens to provide input as important projects.

Approval of Minutes:

Minutes of August 2, 2022 Regular Meeting, August 23, 2022 Town Hall Meeting and the August 30, 2022 Agenda Meeting:

ACTION:

Motion: Chuck Horton made a motion to approve the August 2, 2022 Regular Meeting, August 23, 2022 Town Hall Meeting and the August 30, 2022 Agenda Meeting minutes.

Second: Mark Thomas

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

Voted Against Motion: None

Final Action: **Motion Passed.**

Second Reading and Consideration of the Proposed Property Maintenance Code:

Presented by: Guy Herring, Planning and Code Enforcement Director

Discussion: The proposed changes to the Property Maintenance Code, Section 38-13 of the Oconee County Code of Ordinances would require that the exterior of all nonresidential developments and major subdivisions and R-1, R-2 and R-3 zoned properties be maintained in a clean, safe, secure and sanitary condition.

*The Public Comment Period was opened and there was no Public Comment.
Chairman Daniell asked if there were "raised hands" via Zoom and there were none.*

ACTION:

Motion: Mark Saxon made a motion to approve the proposed changes to the Property Maintenance Code.

Second: Chuck Horton

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

Voted Against Motion: None

Action/Motion: **Motion Passed.**

Discuss and Consider the Resolution for the Reduction of the Ad Valorem Millage Rate upon Passage of a One Percent TSPLOST:

Presented by: John Daniell, Chairman

Discussion: A one percent TSPLOST sales tax will be placed on the November 8, 2022 ballot. The County estimates a \$60 million collection from this TSPLOST which is split with the cities based on populations. County-wide projects would receive approximately \$52 million to be used for: property tax relief, multi-use paths, intersection improvements, and road maintenance of existing roads. If approved, the Commission has agreed to reduce the millage rate by one mill, roughly a 17% reduction. The millage rate reduction will run the entire five-year life of TSPLOST if passed, 2023-2027. Chairman Daniell read the Resolution.

*The Public Comment Period was opened and there was no Public Comment.
Chairman Daniell asked if there were "raised hands" in Zoom and there were none.*

ACTION:

Motion to Confirm: Chuck Horton made a motion to approve the Resolution for the Reduction of the Ad Valorem Millage Rate by One Mill upon passage of the One Percent TSPLOST.

Second: Mark Thomas

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

Voted Against Motion: None

Action/Motion: **Motion Passed.**

Rezone No. P22-0061:

Applicants:	Carter Engineering Consultants, Inc
Owners:	Donald Hammett

Location:	State Route 53 and US Highway 78
Acreage:	±42.76
Zoning:	B-1 (General Business District)
Request:	B-2 (Highway Business District)

Variance No. P22-0127:

Applicants:	Carter Engineering Consultants, Inc
Owners:	Donald Hammett
Location:	Along US Highway 78
Acreage:	±3.4
Zoning:	B-1 (General Business District)
Request:	Increase the allowable parking spaces from 47 to 84

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Mr. Herring has received requests for deferral from the council representing the applicants and the council representing opposition the public hearing of Rezone No. P22-0061 and Variance No. P22-0127 until the October 4, 2002 Board of Commissioner meeting.

ACTION:

Motion: Chuck Horton made a motion to postpone Rezone No. P22-0061 and Variance No. P22-0127 until October 4, 2022.
Second: Mark Saxon
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

Variance No. P22-0119:

Applicants:	Michael J. Brutz
Owners:	Barnesville Development Corp.
Location:	1047 Summit Grove Drive
Acreage:	±3.5
Zoning:	OIP (Office Institutional Profession District)
Request:	Hardship Variance to reduce the required 25-foot of spacing between large trees and to allow planted materials less than four feet from the public right-of-way

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned OIP (Office Institutional Profession District) in the Civic Center Character Area. The applicants/owners request a Hardship Variance to reduce the required 25-foot of spacing between large trees and to allow planted materials less than four feet from the public right-of-way. Staff recommends denial of the variance as it does not meet all necessary conditions.

The Public Hearing was opened.

Mike Brutz, Barnesville Development Corporation, questioned the wordage "hardship" variance and explained the trees on the property were unintentionally planted incorrectly by the landscape company without his supervision. He requests approval to leave the trees in place as they cannot be relocated at this time without killing the trees.

There were no further 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.

Commissioner Horton requested any trees that do not survive get replaced in accordance with the code guidelines. Mr. Brutz agreed to this.

Commissioner Harden questioned whether this exception had been made in the past and whether a precedent would be made if the trees were allowed to stay. Mr. Herring responded that trees often must be moved if planted incorrectly. Commissioner Harden then asked if the landscaper would be taking any responsibility for the error to which Mr. Brutz advised he will address the cost of moving the trees this with the landscaper if his request is denied.

County Attorney Haygood asked this be deemed an administrative decision appeal as opposed to a hardship due to definition.

Chairman Daniell questioned if an administrative appeal should be made in place of a variance request. County Attorney Haygood stated in this situation, code has specific requirements that have not been met. Commissioner Thomas stated that the UDC code has specific requirements that a builder must abide by. The discussion continued between the applicant and the Commissioners in regards to the tree location and to the possibility of changing UDC code in the future with no resolve.

ACTION:

Motion: Amrey Harden made a motion to deny Variance No. P22-0119.
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against the Motion: None
Final Action: **Motion Passed to Deny Variance #P22-0119.**
(See documentation in Ordinance and Resolutions Book No. 2022.)

Special Use No. P22-0132:

Applicants:	Carter Engineering Consultants, Inc.
Owners:	Prince Avenue Baptist Church
Location:	Along Hwy 78 and Ruth Jackson Road
Acreage:	±74.53
Zoning:	AG (Agricultural District)
Request:	Expansion of existing Special Use Permit No. 7787 to include newly acquired acreage to be used for expanded athletic fields

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 Community Village and Suburban Neighborhood Character Area. The applicants/owners are requesting an expansion of existing Special Use Permit No. 7787 to include newly acquire acreage to be used for expanded athletic fields. Staff and Planning Commission recommend approval with three conditions.

The Public Hearing was opened.

Jeff Carter with Carter Engineering, 3951 Mars Hill Road, spoke in favor of the special use for the purpose of expanding the athletic fields at Prince Avenue School. He also read a letter of support from the Power Ridge homeowners association president.

Mike Power, spoke in favor of the special use as an adjoining property owner.

*There were no further 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.*

Commissioner Horton asked about pickleball courts.

ACTION:

Motion: Mark Saxon made a motion to approve Special Use No. P22-0132 from Prince Avenue Baptist Church, ±74.53 acres, Hwy 78 and Ruth Jackson Road, with three conditions.
Second: Chuck Horton

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against the Motion: None
Final Action: **Motion Passed to Approve Rezone #P22-0132 with three conditions.**
(See documentation in Ordinance and Resolutions Book No. 2022.)

Variance No. P22-0159:

Applicants:	Patrick Perry
Owners:	B-Quad-T Holdings, LLC and Pert, LLC
Location:	1091 Park Drive
Acreage:	±0.66
Zoning:	B-1 (General Business District)
Request:	Variance to reduce the required 50-foot incompatible land use buffer to 5 feet

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned B-1 (General Business District) in the Civic Center Regional Center Character Area. The property owner requests a variance from UDC Sec. 806 and UDC Table 8.1 to reduce the required 50-foot incompatible land use buffer to 5 feet. The subject property is also included in companion special exception variance #P22-0164 to increase the allowable parking spaces from 14 to 28. Staff recommends approval with two conditions.

Variance No. P22-0164:

Applicants:	Patrick Perry
Owners:	B-Quad-T Holdings, LLC and Pert, LLC
Location:	1091 Park Drive
Acreage:	±0.66
Zoning:	B-1 (General Business District)
Request:	Increase the allowable parking spaces from 14 to 28

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned B-1 (general Business District) in the Civic Center Regional Center Character Area. The property owner requests a variance from UDC Sec. 604.01.c and UDC Table 6.1 to increase the allowable parking spaces from 14 to 28. The subject property is also included in companion special exception variance #P22-0159 to reduce incompatible use buffer from 50 feet to 5 feet. Staff and Planning Commission recommend approval with two conditions.

The Public Hearing was opened.

Patrick Perry, spoke in favor of both variances due to the growth in the businesses at the location and the need for additional parking for future business growth. The request is for approval without the pervious or porous paving as conditioned by Planning Staff since underground detention is required.

There were no further comments in favor of the request and no comments against either request.
Chairman Daniell asked if there were "raised hands" via Zoom and there were none.
The Public Hearing was closed.

Commissioner Thomas questioned the paving issues and the underground detention brought up the applicant. Guy Herring responded that either way would be acceptable.

ACTION:

Motion: Mark Thomas made a motion to approve Rezone No. P22-0159 from B-Quad-T Holdings, LLC and Pert, LLC, ±0.66 acres, 1091 Park Drive, with one condition, deleting condition number two.

Second: Mark Saxon

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

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Voted Against the Motion: None
Final Action: **Motion Passed to Approve Rezone #P22-0159 with one condition.**
(See documentation in Ordinance and Resolutions Book No. 2022.)

ACTION:

Motion: Amrey Harden made a motion to approve Variance No. P22-0164 from B-Quad-T Holdings, LLC and Pert, LLC, ±0.66 acres, 1091 Park Drive, with one condition.
Second: Mark Saxon
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against the Motion: None
Final Action: **Motion Passed to Approve Rezone #P22-0164 with one condition.**
(See documentation in Ordinance and Resolutions Book No. 2022.)

Oconee County Recreational Advisory Committee Appointments:

ACTION:

Motion: Mark Saxon made a motion to appoint Giles Moore, Richard Ashmore, Dan Moore and Wesley Scott to 2-year terms beginning October 1, 2022 and expiring September 30, 2024 and also appoint Craig Moses to a term to begin immediately and expire on September 30, 2023.
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

Keep Oconee County Beautiful Commission Appointment:

ACTION:

Motion: Mark Saxon made a motion to appoint Micaela Hobbs to a term to begin immediately and expire on June 30, 2023.
Second: Amrey Harden
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

Oconee County Planning Commission Appointments:

ACTION:

Motion: Amrey Harden made a motion to appoint Nick Hobbs and Jeff Burks to four-year terms to begin October 1, 2022 and expire September 30, 2026.
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

Discuss and Consider the County Administrator Contract and Defined Benefit Change:

Presented by: Daniel Haygood, County Attorney
Discussion: County Attorney requests approval of the renewal of County Administrator Justin Kirouac's contract with a vesting requirement of the pension plan reduced to seven years. The request is to approve the employment contract, Addendum 2 and the Resolution.

Commissioner Harden thanked Mr. Kirouac for his dedicated work.

ACTION:

Motion to Confirm: Mark Thomas made a motion to accept the contract and defined benefit change for the County Administrator.
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Action/Motion: **Motion Passed.**

Discussion of Calls Creek Plant Upgrade to 3 MGD Phase II:

Presented by: Justin Kirouac, County Administrator
Discussion: Water Resources requests the award of Phase II to Crowder Construction for the Calls Creek upgrade in the amount of \$17,885,782 to include all necessary budget amendments up to the that contract amount for the life of the contract. Funding will be from GEFA loan, capacity fees, and SPLOST.

*The Public Comment Period was opened and there were no comments.
Chairman Daniell asked if there were "raised hands" in Zoom and there were none.*

ACTION:

Motion to Confirm: Mark Saxon made a motion to approve the Calls Creek plant upgrade to Phase II as presented and all necessary budget amendments for the life of the contract.
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed.**

Consent Agenda:

There were no items removed from the Consent Agenda.

ACTION

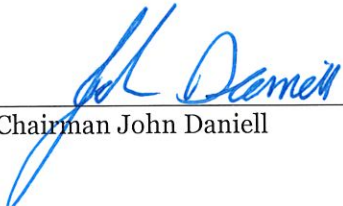
Motion: Chuck Horton made a motion to approve all items as presented on the Consent Agenda.
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

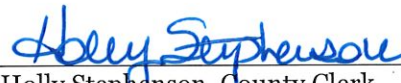
- 1) Approval of the Agreement for Court Collection Services between i3 Verticals and Oconee County Probate Court.
- 2) Approval of the GDOT Title VI Non-Discrimination Agreement.
- 3) Approval of the Water Resources On Demand Services Contract and necessary budget amendments.
- 4) Approval of Updating the Existing Water Lease to an additional 1.5 MGD with Barrow County.
- 5) Approval of the GDOT Agreements for Roundabout Lighting Assistance for SR 53 and Snows Mill/Rocky Branch and SR 53 and Rays Church/Malcom Bridge Road.
- 6) Approval of the Automatic Aid Agreements for additional fire protection in southern Oconee County.
- 7) Approval of the Budget Amendment for Body Worn Cameras in the Jail.

8) Approval of the Westland Deed of Conservation Easement.

Meeting Adjourned:

Motion:	Mark Saxon made a 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:	7:00 p.m.


Chairman John Daniell


Holly Stephenson, County Clerk

10-4-22
Date