

**Oconee County Board of Commissioners Meeting
Courthouse Commission Chambers
October 4, 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
Tracye Bailey, Deputy County Clerk

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 October 4, 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:

Commissioner Harden relayed citizen appreciation for the staff's work on county social media accounts.

Chairman Daniell announced volunteers are needed for Invasive Species Plant Removal Work Days at Heritage Park. This is a joint project with Oconee County Parks and Recreation, KOCBC, Athens Land Trust and Kel-Mac Saddle Club. The dates are October 25, November 8, November 22, December 6, December 20, January 3, January 16, January 31, February 7 and February 20 from 9am – 1pm, weather permitting.

Approval of Minutes:

Minutes of September 13, 2022 Regular Meeting and the September 27, 2022 Agenda Meeting:

ACTION:

Motion:	Chuck Horton made a motion to approve the September 13, 2022 Regular Meeting and the September 27, 2022 Agenda Meeting minutes.
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Minutes – 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.**

National 4-H Week Proclamation and Certificate Presentations:

Presented by: Daniel Queen, Oconee County 4-H Educator
Discussion: Commissioner Mark Saxon presented a proclamation to Oconee County 4-H recognizing National 4-H Week as October 2-8, 2022. Mr. Queen thanked the Commissioners for providing a time to celebrate 4-H and shared some annual highlights. Certificates were presented to students who excelled this year by becoming State Winners, National Delegates or State Board Members:

- Alyssa Haag, OCHS: Master in National Conference, Master of Cotton Boll and Consumer Judging, Master in Project Achievement, Master in Forestry Judging, and Master in Dean's Award.
- Lexi Pritchard, OCHS: Master in Poultry Judging, Master in Project Achievement, Master in Forestry Judging, and Master in Dean's Award.
- Robie Lucas, ACAD: Master in Forestry Judging and Master in Project Achievement.
- Hoke Lucas, ACAD: Northeast District Senior Board of Directors.
- Molly Smith, ACAD: Master in Hippology.
- Julia Thomas, OCHS: Master in Hippology.
- Conner Watson, NOHS: Master in Poultry Judging.
- Blakely Stewart, OCHS: Master in Poultry Judging.
- Thomas Stewart, OCHS: Master in Poultry Judging and Master in Forestry Judging.
- Bryson Woodruff, OCMS: Northeast Junior Board of Directors.

Rezone No. P22-0133:

Applicants:	Dovetail Civil Design, Inc.
Owners:	Lela Mae Moore Slaton
Location:	1050 Jimmy Daniel Road
Acreage:	±2.51
Zoning:	AG (Agricultural District)
Request:	B-2 (Highway Business 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 Regional Center Character Area. The applicants/owners request B-2 (Highway Business District) to allow for a commercial development consisting of office, warehouse, and recreational area. A companion special exemption variance has been requested in order to reduce the width of the required incompatible use buffer. The Planning Commission and Staff recommend approval of this request with six conditions.

Variance No. P22-0190:

Applicants:	Dovetail Civil Design, Inc.
Owners:	Lela Mae Moore Slaton
Location:	1050 Jimmy Daniel Road
Acreage:	±2.51
Zoning:	AG (Agricultural District)
Request:	Reduce the minimum number of parking spaces from 107 to 58

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 Regional Center Character Area. The applicants/owners request a Variance from UDC Sec. 604.04 and UDC Table 6.1 to reduce the minimum number of parking spaces from 107 to 58. Staff recommends approval of this request with one condition.

The Public Hearing was opened.

Richard Breedlove, 1071 Timarron Trail, the civil engineer, requests approval of rezone to B-2 for athletic training and office warehouse space. The request for less parking spaces is based on a training center as opposed to an athletic gym.

Adam Swan, 1041 Founders Lake Drive, has this property under contract to purchase and requests approval for a training space for athletics and to eventually become an office warehouse space.

There were no further comments in favor of the request.

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

Ian Taylor, 1331 Daandra Drive, spoke in opposition to the rezone due to the property being in a residential area. Houses are across the road with no buffer.

Thomas Moore, 1710 Lane Creek Drive, spoke against the rezone due to additional development taking away from family time for residents.

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

The Public Hearing was closed.

Commissioner Harden questioned a withdrawn outdoor storage request and the 50-foot buffer reduction.

Commissioner Horton questioned whether the request would fit into OBP zoning due to the opposition to B-2 zoning. Mr. Herring confirmed OBP zoning would cover this request. The applicant agreed to OBP zoning due to an office warehouse need.

ACTION:

Motion: Chuck Horton made a motion to approve Rezone No. P22-0133 for Lela Mae Moore Slaton from AG (Agricultural District) to OBP (Office Business Park District), ±2.51 acres, 1050 Jimmy Daniel Road, with six conditions.
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 #P22-0133 as OBP with six conditions.**
(See documentation in Ordinance and Resolutions Book No. 2022.)

ACTION:

Motion: Mark Saxon made a motion to approve Special Exemption Variance Request P22-0190 for Lela Mae Moore Slaton, to reduce the number of parking spaces from 107 to 58, ±2.51 acres, 1050 Jimmy Daniel Road, with one condition.
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 Variance #P22-0190 with one condition.**
(See documentation in Ordinance and Resolutions Book No. 2022.)

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-1 (General Business District) and B-2 (Highway Business 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 B-1 (General Business District) in the Civic Center Character Area. The applicants/owners request B-1 (General Business District) and B-2 (Highway Business District) to allow for a mixed-use commercial development. A companion special exemption variance has been requested in order to increase the allowable parking spaces from 47 to 84. Staff recommends approval of this request with eight conditions. The Planning Commission recommends approval with a changed condition Number 5.

The Public Hearing was opened.

Jeff Carter, Carter Engineering, 3651 Mars Hill Road, presented a PowerPoint reviewing the history of the property since the 1990 original rezone and the site plans that have been revised since hearing from the opposition. There have been changes to the grocery store location, berm and fencing buffer, and the number of neighborhood parcels that would adjoin B-2 zoning. He requests approval of this rezone in the Civic Center Character Area which allows large shopping centers anchored with a grocery store. He feels it will provide a unique and beautiful space for the Oconee County citizens.

Henry Parkman reserved his time for rebuttal.

There were no further comments in favor of the request.

Stanton Porter, 2925 Fern Hill Road, representing the Oconee Crossing Homeowner Association, stated the neighbors have worked diligently with the developer to reach an agreement over the last three weeks but more time is needed. He suggests this decision will steer future development in Oconee County. Currently, there are no B-2 developments immediately adjacent to residential neighborhoods in the county. He requests denial to allow twelve months for the developer and the neighborhood to reach an agreement on this development.

Paul Bludov, 1660 Oconee Crossing Circle, spoke against the rezone referring to a loophole in the Unified Development Code which will continue to be abused if this rezone is approved. The proposed service delivery and dumpster area will be right behind his house which he believes will reduce the value of his property. He also questioned the request for more parking than allowed. He suggested another parcel of land for this type of development.

Jeff James, 1081 Corporate Drive, spoke against the rezone based on the desires of this community and the betterment of Oconee County.

Marianne Izzo, 1061 Crossing Ridge, states the decision made tonight will be the future of Oconee County and requests denial of the rezone.

Rebuttal time was waived by Mr. Carter and Mr. Parkman.

The Public Hearing was closed.

Commissioner Horton had Mr. Porter clarify his clients' position. Mr. Porter explained the association requests a transition zone of B-1 zoning in all areas adjoining the neighborhood to provide a buffer between B-2 zoning property and residential property. Also, he requests more time for further discussion with the developer on the grocery store location.

Commissioner Horton asked Mr. Herring if any B-2 zoning is currently adjacent to any residential neighborhood in the county. Mr. Herring gave several examples of B-2 zoning adjoining a neighborhood.

Commissioner Horton asked Mr. Carter to explain the sewer issue. The applicant has a current permit to install sewer down Highway 53, onto Highway 78 to the entrance to Westland where it will connect with the public sewer once Westland is completed. The permit does state the Westland sewer must be dedicated to the county before connection.

Chairman Daniell discussed with Henry Parkman the history of the property and the purchase of any sewer capacity. They agreed none has been purchased but can be for commercial property. Chairman Daniell reviewed a timeline of sewer correspondence with county staff, all mentioning the applicant should find a gravity line sewer connection. Mr. Parkman clarified the open records request was to show his client's commitment to the development with years of work and taxes invested.

Commissioner Horton asked Mr. Parkman would ever use this decision as an example in the future when he represents other clients on other parcels.

Commissioner Horton asked where the nearest location is for running sewer capacity.

Commissioner Thomas responded that is at Dials Mill coming from the Dickens corner with a gravity flow to the pump station.

Commissioner Thomas asked Mr. Herring to explain the loophole and moral issues mentioned by a citizen. Mr. Herring explained that uses previously allowed in B-1 zoning are now in B-2 zoning.

Commissioner Harden questioned the location of the dumpsters. B-1 zoning does not allow dumpsters adjacent to a neighborhood. Under B-2, there are no standards so dumpsters would be allowed behind the grocery store. He confirmed that the fencing could be conditioned to use sound barrier material. He questioned the display area in front of the feed store taking up parking spaces. He also questioned the location of the car wash dryer and footage to the nearest house due to noise. Lastly, he addressed the gate connecting the neighborhood to the development, questioned the phasing of the development and the landscaping placement. Mr. Carter responded that the infrastructure would go in first with the grocery store, car wash and Tractor Supply store. Also, the display area for the store along Highway 78 could be moved to the side if necessary.

Commissioner Thomas asked if moving the grocery further away from the neighborhood is a possibility. Mr. Carter explained the difficulties of moving the grocery store to different locations.

Commissioner Thomas questioned where trucks would access the stores. There would be entrances/exits on Highway 53 and Highway 78.

Commissioner Horton asked Mr. Herring if this zoning request would be allowed currently if the land was still zoned AG. The answer was it would not be allowed now, as an OIP or B-1 buffer between residential and B-2 zoning would be required.

Commissioner Harden confirmed with County Attorney Haygood the length of time is one year to re-apply if this rezone is denied. He also asked Mr. Haygood to clarify legal possibilities and rights for either side should this rezone be approved or denied.

ACTION:

Motion:	Mark Saxon made a motion to deny Rezone P22-0061 for Donald Hammett, B-1 to B-1 and B-2 off Hog Mountain Road and Highway 78 Commercial.
Second:	Chuck Horton
Voted in Favor of Motion:	Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	Mark Thomas
Final Action:	Motion Passed to Deny Rezone #P22-0061. <i>(See documentation in Ordinance and Resolutions Book No. 2022.)</i>

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 briefed the Board regarding the request for the property, which is currently zoned B-1 (General Business District) in the Civic Center Character Area. The applicants/owners request a Variance from UDC Sec. 604.01.c and UDC Table 6.1 to increase the allowable parking spaces from 47 to 84. The subject parcel is requested to be rezoned from B-1 (General Business District) to B-2 (Highway Business District) for a farm and garden supply store. Staff recommends approval of this request with two conditions.

Kathy Zickert, attorney representing the entity who will develop the Tractor Supply store, requested to withdraw Variance P22-0127.

ACTION:

Motion: Mark Saxon made a motion to withdraw Variance P22-0127.
 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 Withdraw Variance #P22-0127.**

Oconee County Tourism and Visitor's Bureau Appointment:**ACTION:**

Motion: Mark Saxon made a motion to appoint Greg Wilson to a term to begin immediately and expire June 30, 2024.
 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 Board of Elections Chair Appointment:**ACTION:**

Motion: Amrey Harden made a motion to appoint John Thomas (Jay) Hanley, III as Chair to a term to begin immediately and expire on December 31, 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.**

Oconee County Board of Elections Appointment:**ACTION:**

Motion: Mark Saxon made a motion to appoint Shami Jones to Jay Hanley's term immediately and expire on December 31, 2025.
 Second: Mark Thomas
 Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
 Voted Against Motion: None
 Final Action: **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 Amendments to the Resolution for Issuance of Citations for County Ordinance Violations.
- 2) Approval of the Contract Amendment for Senior Center Additional Space Custodial Services.
- 3) Approval of the Budget Amendment for the Sheriff's Office Insurance Funds/Damaged Vehicle.
- 4) Approval of FY23 Senior Center Coordinated Transportation Agreement with Northeast Georgia Regional Commission.

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:	8:06 p.m.


Chairman John Daniell


Holly Stephenson, County Clerk

11-1-22
Date