

**Oconee County Board of Commissioners Meeting
Courthouse Commission Chambers
February 7, 2023 – 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
Kari Giddens, Assistant Finance Director
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:

Chairman John Daniell requested to amend the agenda to add item 7.4: Consider a Resolution for a Quit Claim Deed and Reciprocal Easement Agreement for the Post Office Property.

ACTION:

Motion:	Mark Thomas made a motion to approve the February 7, 2023 Agenda with the amendment of 7.4.
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 announced a Town Hall Meeting on Tuesday, March 21, 2023 at 6pm at the Oconee Civic Center. The meeting will be open for both in-person or virtual attendance. The primary focus of this meeting will be the master plans for Parks & Recreation.

Approval of Minutes:

Minutes of January 3, 2023 Regular Meeting and January 31, 2023 Agenda Meeting:

ACTION:

Motion: Mark Saxon made a motion to approve the January 3, 2023 Regular Meeting and the January 31, 2023 Agenda Meeting minutes.

Second: Chuck Horton

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

Voted Against Motion: None

Final Action: **Motion Passed.**

Rezone No. P22-0155:

Applicants:	Beall & Company, LLC
Owners:	Deferred Tax, LLC
Location:	1291 Virgil Langford Road and fronting on GA Highway 316, the Oconee Connector, and Mars Hill Road
Acreage:	±33.657
Zoning:	B-1 PUD (General Business Planned Unit Development) and B-2 (Highway 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 PUD (General Business Planned Unit Development) and B-2 (Highway Business District) in the Regional Center Character Area. Applicant requests a rezone to B-1 (General Business District) and B-2 (Highway Business District) in order to develop three B-2 zones lots and eight B-1 zones lots for a total of eleven commercial lots to be available for future purchase. Staff recommends approval with eighteen conditions. The Planning Commission recommended denial. Additionally, a memo is included from the County Administrator outlining an alternate action to B-1 with conditions.

The Public Hearing was opened.

David F. Ellison, Fortson, Bentley and Griffin, representing the owner, spoke of the history of prior Commissions in regards to this property and its commercial plans. He requests approval for full commercial access, asking the Commission to work with the property owner to utilize the property to its full extent. He spoke against a proposal to downgrade this rezone to B-1 stating his client purchased the property with the agreement of the proposed zoning. He also addressed the traffic and safety concerns, opposed the proposed roundabouts, and stated it would be legally impossible for this client to obtain the necessary right of ways.

Abdul Amer, Traffic Engineer with A&R Engineering, has completed a traffic impact study and a signal warrant study at the site. At the Oconee Connector, the recommendation is for a full traffic signal with corridor timing to keep lights synchronized. He also recommends a right in, right out and two exiting lanes be installed. Once proposed ramps are put in place at Highway 316 and the Oconee Connector, many traffic delays will be eliminated. On Mars Hill Road, the traffic plan will not cause delays for thru traffic. He spoke against the proposed roundabout at one of the entrances due to grade and safety concerns.

Ken Beall, Beall & Company, LLC, preparer of the zoning documents for this property, stated the zoning and site use plans support this development at this property. The request is for only a small portion to be rezoned B-2 as much of the front portion is already zoned B-2. He went through some of the history of the property along with development of Highway 316 and the Ocoee Connector.

The twenty-minute time limit for those speaking in favor expired.

Jennifer Walker, 1202 DaAndre Drive, a member of Mars Hill for Responsible Development, spoke in opposition of the rezone using a slide presentation to address traffic concerns on the Oconee Connector and Mars Hill Road, long term traffic plans, and a potential detour for a 2024 GDOT project. She believes the property is properly zoned with buffering to residential areas.

Wilder Bailey, 1231 DaAndre Drive, spoke in opposition to the rezone modification due to the size of the development not matching the area. He also addressed traffic and safety concerns.

Christopher "Kip" Smith, Canyon Creek Subdivision, spoke against the rezone due to increased traffic concerns. He also pointed out that no one spoke in favor of this rezone at the Planning Commission meeting despite a full room and atrium area. He concludes the citizens do not want this rezone.

Jim Jenkins, spoke in opposition to the rezone due to lack of transition in zoning and development from adjoining residential areas along with traffic concerns for Mars Hill Road.

Zach Sheffield, 1151 Founders Lake Drive, spoke in opposition to this rezone due to lack of need for this development as four other grocery stores already exist in the area. He also addressed the traffic concerns.

Aubrey Cox, 1020 Chris Court, spoke in opposition to this rezone due to lack of need and additional traffic. She also discussed wetland concerns.

*The twenty-minute time limit for those speaking against expired.
The Public Hearing was closed.*

Chairman Daniell asked for clarification from Mr. Ellison on the purchase of 12.329 acres by GDOT. He also questioned why the B-2 portion has had no development at this point.

Mr. Ellison responded that the entire site needed to be developed at one time due to environmental issues. Chairman Daniell stated he found no documentation of a median cut in prior county documents where the property as donated to the county.

Mr. Ellison responded that not all agreements are in writing, but the median cut is referenced in the deed where the property owner gave the land to the county. Chairman Daniell questioned why GDOT did not install that as part of the Oconee Connector development if it was an agreement at the fire station. His understanding that the median break was for the eastern side, and property owners received a definite benefit in the sale of their property.

County Attorney Daniel Haygood reminded the Board that contracts must be spread on the minutes for the Board to be bound. If not in the minutes, the Board is not bound.

Chairman Daniell and Mr. Ellison discussed the traffic study, the roundabout cost, and whether the property owner should fund 100% of the roundabout.

Commissioner Horton stated no roundabout would be needed if not for this development, so the property owner should fund 100%. He stated safety concerns about additional accidents when adding traffic to a two-lane road.

Mr. Ellison argued the property cannot be used at all as it is bound to a site plan that no longer exists. Justin Kirouac agreed with Mr. Ellison on condition #14 of his amended conditions and would like to officially recommend amending his memo to strike "the right of way acquisition".

County Attorney Daniel Haygood defined project improvements and system improvements.

ACTION:

Motion:	Chuck Horton made a motion to deny Rezone No. P22-0155 for Deferred Tax, LLC; B-1 PUD (General Business Planned Unit Development) and B-2 (Highway Business District) to B-1 (General Business District) and B-2 (Highway Business District); ±33.657 acres, 1291 Virgil Langford Road.
Second:	Mark Saxon
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Final Action:	Motion Passed to deny Rezone #P22-0155. (See documentation in Ordinance and Resolutions Book No. 23.)

Consider Appointment of the Hard Labor Creek Reservoir Management Board Alternate:
ACTION:

Motion: Mark Saxon made a motion to appoint Adam Layfield as the alternate to the Hard Labor Creek Reservoir Management Board.
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

2nd Quarter FY23 Financial Update:

Presented by: Melissa Braswell, Finance Director
Discussion: Finance Director Melissa Braswell presented the financial update for the 2nd quarter of FY23 which is through December 31, 2022:

- General Fund revenues and expenditures as compared to budget
- Capital Projects expenditures update
- LOST and SPLOST distributions as compared to prior fiscal year
- Water Recourse Department revenues and expenses as compared to budget

Commissioner Harden asked when TSPLOST collection begins which is April 1, 2023. Notification is sent out by the County and the Department of Revenue to local businesses.

Consider and Approve Memorandum of Agreement with GDOT for Additional Preliminary Engineering of 53 Roundabouts:

Presented by: Justin Kirouac, County Administrator
Discussion: As part of the roundabout projects for Highway 53 and Snows Mill Road and Rays Church Road, GDOT is requiring the county to sign MOA's for additional design oversite services. The cost of this service for both roundabouts is \$68,000 which was included in the mid-year budget amendment. The request is for approval of the MOA's with GDOT. Commissioner Harden questioned the timeline of these roundabouts. Mr. Kirouac responded that the right-of-way documents should be done this month and progress is on schedule.

ACTION:

Motion: Mark Saxon made a motion to approve the Memorandum of Agreements with GDOT for roundabout design services.
Second: Chuck Horton
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 Alcohol License Request for Golden Pantry #34; 1010 Mars Hill Road; Watkinsville with Garrett Crumpton as the Registered Agent:

Presented by: Holly Stephenson, County Clerk
Discussion: County Clerk Holly Stephenson requests approval of an application for retail sale of beer and wine for Golden Pantry #34. The registered agent, Mr. Garrett Crumpton, has completed the RASS Training. Golden Pantry #34 is located at 1010 Mars Hill Road in Watkinsville.

ACTION:

Motion: Chuck Horton made a motion to approve an alcohol license for Golden Pantry #34; 1010 Mars Hill Road; Watkinsville, Georgia.
Second: Amrey Harden
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

Discuss and Consider Resolution and Quit Claim Deed for Post Office Property and Easements:

Presented by: Daniel Haygood, County Attorney
Discussion: To facilitate the conveyance of the Post Office property being sold by the IDA to a tax-paying business, County Attorney Daniel Haygood has prepared a Resolution with necessary declaration of Reciprocal Easement and a Quit Claim Deed for execution.
Commissioner Thomas asked if inter-parcel access was included.
Mr. Haygood responded that it was not due to the requirement of the U.S. Post Office to approve which would cause a lengthy delay.

ACTION:

Motion: Mark Saxon made a motion to approve the Resolution as presented and authorizing execution of the Quit Claim Deed.
Second: Chuck Horton
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.

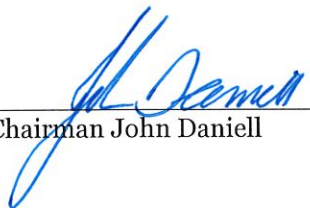
ACTION

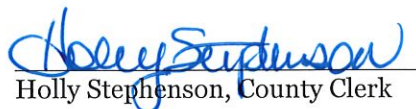
Motion: Mark Thomas made a motion to approve all items as presented on the Consent Agenda.
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

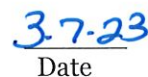
- 1) Approval of Award of Sanitary Sewer Modeling RFQ#23-09-004.
- 2) Approval of the Mid-Year Budget Amendment.
- 3) Approval of the Renewal of the IPAWS Messaging Agreement with FEMA.
- 4) Approval of a Change Order for Fire Hydrant Flow Testing and Inspection Program.

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: 7:29 p.m.


Chairman John Daniell


Holly Stephenson, County Clerk


Date