

**Oconee County Board of Commissioners Meeting
Courthouse Commission Chambers
May 2, 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
Diane Baggett, Communications Manager
Guy Herring, Planning and Code Enforcement Director
Kyle Stephens, Planner
Melissa Braswell, Finance Director
Kari Giddens, Assistant Finance 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 Mark Saxon led the Pledge after a moment of silence.

Approval of Agenda:

Chairman Daniell asked to remove Item 7. 1 for more time for review.

ACTION:

Motion:	Mark Saxon made a motion to approve the May 2, 2023 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.

Statements and Remarks from Citizens:

None.

Statements and Remarks from Commissioners:

Commissioner Amrey Harden reported a possible GDOT Town Hall Meeting at Bogart Community Center on May 25 at 4pm. This will be confirmed and advertised to the public.
Chairman Daniell reminded citizens the Burn Ban went into effect for May 1st for Oconee County.

Approval of Minutes:

Minutes of April 4, 2023 Regular Meeting and April 25, 2023 Agenda Meeting:

ACTION:

Motion:	Mark Saxon made a motion to approve the April 4, 2023 Regular Meeting and the April 25, 2023 Agenda Meeting minutes.
Second:	Amrey Harden

Voted in Favor of Motion:
Voted Against Motion:
Final Action:

Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
None
Motion Passed.

Rezone No. P23-0087:

Applicants:	Oconee County Board of Commissioners
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. The Oconee County Board of Commissioners is initiating and will consider a rezone of the subject property pursuant to the settlement agreement with Donald Hammett, in the case of Donald Hammett v. Oconee County, Georgia, et al. (Civil Action File No. SU-CV-2022-000347). Staff recommends approval of this request with five conditions.

The Public Hearing was opened.

Jeff Carter, Carter Engineering, 3651 Mars Hill Road, spoke in favor of the rezone stating the prior presentation made on this case supports this rezone and all uses are allowed. He believes the property is an ideal spot for a shopping center. There have been changes to the grocery store location, expansive berm and fencing buffer plans, and the number of neighborhood parcels that would adjoin B-2 zoning has decreased. He requests approval of this rezone in the Civic Center Character Area which allows large shopping centers anchored with a grocery store. He feels the developer has worked to propose a unique and beautiful space for the Oconee County citizens.

Jeff Pittman, Piedmont Real Estate Group, representing the developer for the property, spoke in regards to the berm proposed in this new site plan as being the most significant berm proposed in this county. There have been major efforts to separate the center and the neighborhood. The revisions made to the proposal will benefit the community and the county.

Brandon Bowen, agent for the owner, requested the remainder of their time be reserved for rebuttal.

There were no further comments in favor of the request.

Rick Caffery, 1430 Oconee Crossing Circle, spoke against the rezone and his displeasure with this rezone being considered again. He cited quotes from the October 4, 2022 meeting and showed maps in support of denial due to the proximity of the grocery store to residential property. He asked the Commissioners to defend this lawsuit and not allow this rezone. The neighborhood continues to request the grocery store be moved closer to Highway 78.

Paul Bludov, 1660 Oconee Crossing Circle, requested denial of this request because he feels the change in location of the grocery store and the increased berm is not a benefit. He quoted the Unified Development Code, stating the wording is being exploited by allowing B-2 zoning next to a neighborhood. A video was played to show how the sound of back up warnings from delivery trucks will be heard in his home when the windows are open. He also showed a diagram of how direct, diffracted, and transmitted sounds will affect his home, then proposed a 30-40-foot concrete wall as the best option to block noise. He requested the Commissioners deny the rezone request to B-2.

Skip Taylor, stated no business should take precedence over the citizens of the county.

The time limit for comments against the request expired.

Rebuttal: Jeff Carter, Carter Engineering, 3651 Mars Hill Road, explained this site plan has been revised numerous times with hours of work involved to improve this development for the adjoining neighborhood. The revisions include more green space and a 100-foot berm to incorporate fencing and trees.

Rebuttal: Brandon Bowen, agent for the owner, explained the owner has done all he can to address the neighbors' concerns to include the substantial berm. He requests approval of this rezone.

The Public Hearing was closed.

Commissioner Harden explained why he agreed to consider this rezone again. He discussed the three different versions of this site plan and the improvements in each plan. He believes the latest version meets or exceeds the buffering requirements as zoned in 1990.

Chairman Daniell agreed with Commissioner Harden. The property was originally zoned in 1990 with this latest version being the closest to that original zoning.

Commissioner Horton agreed that rezones are the toughest decisions. He stated the homeowners bought a concept that was approved when they purchased their property.

ACTION:

Motion: Amrey Harden made a motion to approve Rezone P23-0087 for Oconee County Board of Commissioners; B-1 to B-1 and B-2; ±42.76 acres off Hog Mountain Road and Highway 78 Commercial with five conditions.

Second: Mark Thomas

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

Voted Against Motion: Chuck Horton

Final Action: **Motion Passed 3-1 to Approve Rezone #P23-0087.**
(See documentation in Ordinance and Resolutions Book No. 23.)

Rezone No. P22-0315:

Applicants:	Brothers Company, LLC
Owners:	Moose Land-Mars Hill, LLC
Location:	1030 Cliff Dawson Road (C-02-AE001)
Acreage:	±1.38
Zoning:	B-1 (General Business District)
Request:	Change in conditions from Rezone #1967

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. Applicant requests a change of conditions to previous B-1 rezoning #1967 to increase the allowable building size from a maximum of 9,600 square feet to 10,600 square feet. Staff recommend approval with three conditions. The Planning Commission added two additional conditions.

The Public Hearing was opened.

Rob Leverett, on behalf of Brothers Company, LLC, agent for the owner, spoke in favor of the change of conditions to allow a larger building to offset the extra cost of underground surface water drainage and a sloped roof. The applicant agrees to the additional conditions of staff and Planning Commission.

There were no further comments in favor of the request.

Will Douglas, 1061 Cliff Dawson office owner, questioned ingress and egress, along with traffic conditions off of Cliff Dawson Road. He requested denial to limit the development in the area.

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

Rebuttal: Rob Leverett, on behalf of Brothers Company, LLC, stated traffic studies have been completed for proper ingress and egress. He also reminded the Commission that the original rezone was 20 years ago, so asking for a larger building now due to additional requirements seems appropriate.

The Public Hearing was closed.

Commissioner Harden has concerns that this building will have all four sides visible at this location, asking that the sides have windows, no duct work be visible, outdoor storage prohibited and only certain uses allowed.

Commissioner Horton asked Guy Herring to explain the protections in the Mars Hill overlay. Mr. Herring explained certain uses were prohibited in the overlay to include no outdoor storage, screened dumpsters, and signage restrictions.

Commissioner Thomas pointed out a gable roof in the photos, but the verbiage lists a hip type roof. Mr. Herring explained the photos take precedence, but the overlay requires a pitch type roof. Commissioner Thomas explained there are options for duct work to not be visible using split units.

Further discussion resulted in five additional conditions in addition to the three standard staff conditions and condition one from the Planning Commission for a total of nine conditions as follows:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property and shall convey the same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.
4. Any and all retaining walls shall have a façade that matches the building façade.
5. A minimum of 20% of all area on the ends of the building shall be glass windows.
6. No ductwork shall be visible from adjacent roadways.
7. Hip roof shall be incorporated instead of gable.
8. Outdoor display areas and outdoor storage is prohibited.
9. The following uses shall be prohibited:
 - a. 453991 Cigar and Tobacco Stores, including "Vape" Shops and Electronic Cigarette Stores
 - b. 4533 Used Merchandise Stores
 - c. 45299 Variety Stores (Five and Dime)
 - d. 45299 Dollar Stores
 - e. 45299 General Merchandise Stores
 - f. 45322 Gift, Novelty and Souvenir Stores

Mr. Leverett voiced opposition to adding the new prohibited uses. Commissioner Horton asked Mr. Herring if these newly placed conditions were uncommon. Mr. Herring explained they are not uncommon and had been used in the past.

ACTION:

Motion: Mark Saxon made a motion to approve Rezone No. P22-0315 for Moose Land-Mars Hill, LLC; B-1 (General Business District) change of conditions from Rezone #1967; ±1.38 acres, 1030 Cliff Dawson Road with nine 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 #P22-0315 with three conditions.**
(See documentation in Ordinance and Resolutions Book No. 23.)

Rezone No. P23-0043:

Applicants:	Robert W. Bishop
Owners:	KBB, LLC
Location:	Highway 53 and Bishop Farms Parkway (B-06-022F)
Acreage:	±7.82
Zoning:	AG (Agricultural District)
Request:	AG and AR-3 (Agricultural Residential District) to create three proposed tracts for estate planning purposes.

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 Civic Center Character Area. The applicants/owners request to rezone the property from AG to AR-3 (Agricultural Residential District) to create three proposed tracts for estate planning purposes. The Planning Commission and Staff recommend approval of this request with three conditions.

The Public Hearing was opened.

Robert W. Bishop, 1130 Trailwood Drive, spoke in favor of the rezone and asked for questions.

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.

ACTION:

Motion: Chuck Horton made a motion to approve Rezone No. P23-0043 for KBB, LLC; AG to AR-3; ±7.82 acres; Highway 53 and Bishop Farms Parkway with three 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 #P23-0043 with three conditions.**
(See documentation in Ordinance and Resolutions Book No. 23.)

Rezone No. P23-0051:

Applicants:	Beall & Company, LLC
Owners:	Triple C Family Limited Partnership
Location:	2371 Cole Springs Road (A-05-002)
Acreage:	±10.03
Zoning:	AG (Agricultural District)
Request:	AG and AR (Agricultural Residential District) to create a minor residential subdivision of four lots.

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 Rural Places Character Area. The applicants/owners request to rezone the property from AG to AR and AG for a proposed 4-lot minor subdivision. The Planning Commission and Staff recommend approval of this request with three conditions.

The Public Hearing was opened.

Ken Beall, Beall & Company, LLC, 1041 Lake Welbrook Drive, agent for the owner, spoke in favor of the rezone for the owner's grandchildren to each have residential lots.

There were no further comments in favor of the request.

Julian, 1484 Clotfelter Road, signed up to speak against this rezone before he realized it is only four lots for the owner's grandchildren to have individual properties. He is no longer in opposition.

*Chairman Daniell asked if there were "raised hands" via Zoom and there were none.
The Public Hearing was closed.*

ACTION:

Motion: Mark Saxon made a motion to approve Rezone No. P23-0051 for Triple C Family Limited Partnership; AG to AR; ±10.03 acres; 2371 Cole Springs Road, with three conditions.
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 #P23-0051 with three conditions.**
(See documentation in Ordinance and Resolutions Book No. 23.)

Special Use No. P23-0052:

Applicants:	Smith Planning Group
Owners:	EA3 Investments, LLC
Location:	Treadwell Bridge Road
Acreage:	±9.8
Zoning:	AR (Agricultural Residential District)
Request:	Special use approval for a change in conditions from pervious zoning #4639

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) in the Rural Places Character Area. The applicants/owners request a special use approval for condition #16 from previous zoning case #4639 that stated that the developer shall receive approval of the residential amenity lot site plan to construct a residential amenity lot under the existing AR zoning. The Planning Commission and Staff recommend approval of this request with three conditions.

The Public Hearing was opened.

Ben Proulx, Smith Planning Group, agent for the owner, spoke in favor of the condition to allow an amenity lot for the neighborhood which is being completed in two phases.

*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 Harden asked for the number of lots in the development.
Mr. Proulx responded there will be approximately 160 lots on 415 acres.

ACTION:

Motion: Amrey Harden made a motion to approve Special Use No. P23-0052 for EA3 Investments, LLC, change in conditions of Rezone #4639 for residential amenity lot in AR district, ±9.8 acres, Treadwell Bridge Road, with three conditions.
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 Special Use #P23-0052 with three conditions.**
(See documentation in Ordinance and Resolutions Book No. 23.)

Discuss the Text Amendments to Articles 2, 3, and 10 of the Unified Development Code:

Presented by: Guy Herring, Director of Planning and Code Enforcement
Discussion: Guy Herring outlined the proposed changes to Articles 2, 3, and 10 of the Unified Development Code which the Planning Commission has approved.

Commissioner Thomas questioned the backyard hen flock, personal for lots smaller than one acre. The current requirement allows five chickens per acre. Roosters are not allowed. Discussion resulted in a change allowing up to five chickens per lot less than once acre and up to five chicken per acre for lots over one acre.

*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 Thomas made a motion to approve the text amendments to Articles 2, 3, and 10 of the Unified Development Code with one change.
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

Presentation of the FY24 Budget Proposal:

Presented by: Melissa Braswell, Finance Director
Discussion: Finance Director Melissa Braswell presented the proposed FY24 General Budget totaling \$38,834,959 an increase of 2.48% over FY23. She anticipates decreases in property taxes due to the one mill reduction with the passage of TSPLOST, and increases in LOST revenues due to new developments and growth. Expenditures were broken down by department and by category. Total proposed budget to include all other funds including capital funds, SPLOST, special revenues and enterprise funds is \$75,018,615, an increase of 13.87% primarily due to the TSPLOST budget. The budget is designed to meet the strategic goals of the county, commitment to public safety, transportation maintenance and improvement, water and sewer infrastructure, and fleet phase replacement program.
The First Public Hearing for the FY24 Budget will be on May 23, 2023 at 6:00 p.m. in the Commission Chambers of the Courthouse. The Second Public Hearing and consideration of the FY24 Budget Adoption will be held on June 6, 2023 during the Board's Regular Meeting at 6:00 p.m.

Chairman Daniell stated that the proposed budget information and fee schedule will be posted to the website.

Consent Agenda:

There were no items removed from the Consent Agenda.

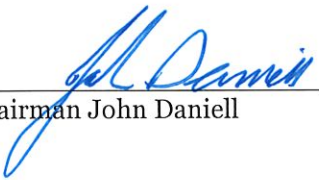
ACTION

Motion:	Mark Saxon 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 SR53 at Snows Mill Road/Rocky Branch Right of Way Contract.
- 2) Approval of the Award of the Bid for SR53 at Union Church Road Signal Installation and Oconee Connector Signal Head Replacement Bid with budget amendments up to the contract amount for the life of the project.
- 3) Approval of the Parks & Recreation FY24 Concession Services Contracts with Oconee Futbol Club and Oconee County Little League.
- 4) Approval of a Memorandum of Understanding with Oconee Parks Foundation.
- 5) Approval of the GTC Encroachment Agreement for Fuller Drive.
- 6) Approval of the alcohol license request for The Crab Hut; 1011 Park Drive; Watkinsville with Thekiet Ngo as the Registered Agent.
- 7) Approval of the alcohol license request for Flying Biscuit Café; 1850 Epps Bridge Parkway, Suite 1; Athens with Arjun Patel as the Registered Agent.
- 8) Approval of Right of Way Abandonment for Old Jennings Mill Road, Jennings Mill Extension and Research Parkway.

Meeting Adjourned:

Motion:	Mark Saxon made a motion to adjourn the meeting.
Second:	Amrey Harden
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Action/Motion:	Motion Passed.
Meeting Adjourned:	7:51 p.m.


Chairman John Daniell


Holly Stephenson, County Clerk

6-6-23
Date