

**Oconee County Board of Commissioners Meeting
Courthouse Commission Chambers
July 11, 2023 – 6:00 p.m.
Minutes**

Members Present:

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

Staff Present:

Daniel Haygood, County Attorney
Justin Kirouac, County Administrator
Holly Stephenson, County Clerk
Guy Herring, Planning and Code Enforcement Director
Kyle Stephens, Planner
Melissa Braswell, Finance Director
Diane Baggett, Communications Manager
Lisa Davol, Parks & Recreation 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 Chuck Horton led the Pledge after a moment of silence.

Approval of Agenda:

ACTION:

Motion:	Chuck Horton made a motion to approve the July 11, 2023 Agenda.
Second:	Mark Saxon
Voted in Favor of Motion:	Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Final Action:	Motion Passed.

Statements and Remarks from Citizens:

Grady Rikard, Watkinsville, spoke in concern of recent Library programming not being age appropriate.

Julie Mauck, 1110 Summit Circle, spoke in concern of Oconee County's relationship with the Athens Regional Library System due to recent leadership and programming.

Charles Baugh, 6292 Greensboro Highway, thanked Chairman Daniell for speaking up at a public hearing in support of the community's standards.

Statements and Remarks from Commissioners:

Chairman Daniell explained that the Board of Commissioners does provide funding for the library, but are not involved in the day to day operations of the library nor the programing and book selection. There has been a recommendation for the Library Board to review the programming and make recommendations prior to implementation.

The new Oconee County Administrative Building at 7635 Macon Highway will open Monday, July 24, 2023 at 8am. All counties offices will be closed on Friday, July 21 for the final move. These offices moving include: Board of Commissioners, County Clerk, Elections, Emergency Management, Environmental Health,

Facilities, Finance, Fire Rescue, GIS Systems, Human Resources, Information Technology, Planning and Code Enforcement, Property Appraisal, Public Works, KOCBC, Tax Commissioner, and Water Resources. Court related operations will remain in the Courthouse. All phone numbers and email addresses will remain the same.

A Ribbon Cutting will be held on Tuesday, July 25 at 4:30pm, followed by the next Board of Commissioners meeting at 6pm at the new Administrative Building. Participation for the Board of Commissioner meetings will be in-person only after the move.

Approval of Minutes:

Minutes of June 6, 2023 Regular Meeting, June 15, 2023 Town Hall Meeting, and June 27, 2023 Agenda Meeting:

ACTION:

Motion: Mark Saxon made a motion to approve the June 6, 2023 Regular Meeting, June 15, 2023 Town Hall Meeting, and the June 27, 2023 Agenda Meeting minutes.

Second: Chuck Horton

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

Voted Against Motion: None

Final Action: **Motion Passed.**

Rezone No. P23-0090:

Applicants:	Eberhardt & Hale, LLP
Owners:	Kelly Barwick and Ken Hill; Jacob Properties, LLLP
Location:	7760 Macon Highway
Acreage:	±6.285
Zoning:	AR (Agricultural Residential 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 AR (Agricultural Residential District) in the Civic Center Character Area. The applicants/owners request B-2 (Highway Business District) for a proposed gas station/convenience store development with diesel truck refueling bays along US Highway 441 (Veterans Memorial Parkway). The Planning Commission and Staff recommend approval of this request with four conditions.

Special Use No. P23-0089:

Applicants:	Eberhardt & Hale, LLP
Owners:	Kelly Barwick and Ken Hill; Jacob Properties, LLLP
Location:	7760 Macon Highway
Acreage:	±6.285
Zoning:	AR (Agricultural Residential 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 AR (Agricultural Residential District) in the Civic Center Character Area. The applicants/owners request a special use approval to construct diesel truck refueling bays in the proposed B-2 zoning district per Sec. 205.10. The Planning Commission and Staff recommend approval of this request with four conditions.

The Public Hearing was opened.

Eric Eberhardt, Eberhardt & Hale, attorney for Quick Trip, requests approval for the rezone and special use request for 6.285 acres from two different properties to be purchased by Quick Trip, with the reminder staying as AR for this time. The special use request is for three bays for commercial vehicle fueling. Quick

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Trip agrees with all conditions proposed by staff and the Planning Commission. The special use request is only for refueling bays and will be located behind the building. This location will not be a travel center, with no truck parking, no indoor seating, nor any showers. He explained the jobs the store will provide, tax revenues for the county, and charitable contributions made in the community.

There were no further comments in favor of the request.

Julie Mauck, 1110 Summit Circle, spoke in opposition to the rezone and special use as they do not conform to the residential area, cause environmental concerns, and affect property values.

Marla Tschepikow, 1190 Summit Circle, spoke in opposite to the rezone and the special use based on safety concerns over human trafficking, prostitution, and increased drug trafficking due to the truck parking spaces; plus, violent crimes and traffic associated with convenience stores in general. She asked the Commissioners to vote against the request for the citizens of Oconee County and the residents of the nearby neighborhood.

Ginger Redwine, spoke in opposition to the rezone due to adverse effects to the quality of life for citizens.

Eric Eley, 1351 Summit Drive, spoke in opposition to the rezone and special use due to traffic and the lack of need for another gas station for our citizens.

There were no further comments against the request.

REBUTTAL:

Eric Eberhardt, Eberhardt & Hale, stated the proposed development meets all criteria of the Civic Center profile in the Highway 441 area, will not adversely affect traffic in the area, and will serve the county well.

Charlie Tarwater, Project Manager for Quick Trip, explained Quick Trip's outdoor lighting plans, their designation as a nationally registered "safe place" for any individuals in trouble, their policy to offer free drinks to safety personal to encourage police or fire presence on the property, and a help desk that monitors cameras at all locations. The employees are trained to be vigilant towards safety and equipped with tools for the same.

Eric Eberhardt, Eberhardt & Hale, explained thee will be no dedicated truck parking, only bays for refueling.

The Public Hearing was closed.

Commissioner Horton asked if any Quick Trip store had ever been closed by government due to criminal activity. Mr. Tarwater responded the answer was no with over 1000 open stores.

Commissioner Horton asked how many employees work at night. Mr. Tarwater answered two to three employees.

Commissioner Horton asked how many armed robberies had occurred at Quick Trip stores. Mr. Tarwater did not know that answer.

Commissioner Horton asked how many big trucks come into Quick Trip to make deliveries. Mr. Tarwater answered there would be approximately one every other day plus a gas truck every two to three days running overnight when there is less traffic.

Commissioner Horton asked about exterior lighting. Mr. Tarwater responded it lot would be very well lit with 50-foot and 35-foot candles. There is LED lighting designed for the space with additional lighting added as needed.

Eric Eberhardt explained the complexity of the security cameras on the property and precautions that Quick Trip takes for a high level of security.

Commissioner Harden asked whether there would be at least two employees at the site at all times. Mr. Tarwater said he would assume so.

Commissioner Harden asked what the typical salary is for Quick Trip employees. Mr. Tarwater stated the clerks start at \$13-14 per hour with store managers making up to \$80,000-100,000 per year. Each team member gets profit sharing for the store and other great benefits including college scholarships. Quick Trip has been named a Top 100 Private Company Employer for the past ten years.

Commissioner Harden asked the mix of full time and part time employers. Mr. Tarwater responded that this location would have five full time employees plus part time clerks. A manager or a replacement would fill in when an employee calls out or does not show up so an employee is not left alone.

Commissioner Harden asked why GDOT denied an additional ingress/egress and whether an acceleration lane would be required. Mr. Tarwater explained they would not allow an additional right in, right out due to no option for inter-connectivity. Quick Trip will agree to whatever GDOT requires after reviewing their traffic study. They are planning a left turn lane out of the property at the light.

Commissioner Harden asked about outdoor tables. Mr. Tarwater explained there will be two tables at the front of the store which is their standard design.

Commissioner Harden asked whether there is an entrance at the rear of the store. Mr. Tarwater said there would not be a rear entrance. They will be entrances at the sides and the front.

Commissioner Harden asked about their signage plans. Mr. Tarwater responded that one monument sign is planned to the left of the front entrance which will meet Oconee County ordinance, with smaller signs on the store itself.

Commissioner Harden asked about required buffer next to AR zoning. Mr. Herring explained a standard planted buffer and landscape strips will be required.

Commissioner Harden expressed that the Commission has no desire for this location to ever expand.

Commissioner Saxon questioned the denial by GDOT of a right in, right out entrance/exit at the opposite end of the property as it seems it would aid traffic flow in the future.

Commissioner Saxon asked about cameras on the back of the property and the truck fueling bays. Mr. Tarwater responded that cameras should be mounted to the rear corners of the building and under the canopies themselves.

Commissioner Saxon asked where the nearest Quick Trip is located that mirrors this design. Mr. Tarwater and Mr. Eberhardt responded this location will mirror the Lexington Road location with three diesel bays in the rear.

Commissioner Saxon asked about signage for no overnight parking. Mr. Tarwater agreed to put any type of signage recommended.

Commissioner Saxon also voiced concerns about only two employees on a shift at a location of this size.

Commissioner Horton asked the possibly of having three employees at the location at all times for safety. Mr. Tarwater will raise that concern with their operations.

Commissioner Horton also asked about fencing to which Mr. Tarwater agreed to adding fencing to three sides and around the detention pond.

Commissioner Horton pointed out only two rezones in the area were recently approved.

ACTION:

Motion:	Amrey Harden made a motion to approve Rezone No. P23-0090 for Kelly Barwick and Ken Hill; Jacobs Properties, LLLP from AR (Agricultural Residential District) to B-2 (Highway Business District), ±6.285 acres, 7760 Macon Highway and Veteran's Memorial Parkway with four conditions proposed by staff, plus the two addition conditions for fencing and no parking designations for trucks.
Second:	Chuck Horton
Voted in Favor of Motion:	Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion:	None
Final Action:	Motion Passed to approve Rezone #P23-0090 with six conditions. <i>(See documentation in Ordinance and Resolutions Book No. 23.)</i>

ACTION:

Motion:	Mark Saxon made a motion to approve Special Use No. P23-0089 for Kelly Barwick and Ken Hill; Jacobs Properties, LLLP, ±6.285 acres, 7760 Macon
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highway at Veteran's Memorial Parkway to allow for diesel truck refueling bays with six conditions.

Second: Chuck Horton
Voted in Favor of Motion: Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed to approve Special Use #P23-0089 with six conditions.**
(See documentation in Ordinance and Resolutions Book No. 23.)

Variance No. P23-0080:

Applicants:	Smith Planning Group
Owners:	Joe Irving
Location:	1171 Knob Creek Drive
Acreage:	±9.61
Zoning:	AR (Agricultural Residential District)
Request:	Hardship Variance to install two solar panel arrays in the front yard

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 Suburban Neighborhood and County Estates Character Area. The applicants/owners request a variance from UDC Sec. 343.07 to place a ground-mounted solar system in the front lot of the subject property. Staff recommends approval with two conditions.

The Public Hearing was opened.

Tyler Johnson, Smith Planning Group, agent for the owner, spoke in favor of the variance.

*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 if this lot was two separate lots at one time as it fronts two roads, which Mr. Herring confirmed it was. He also confirmed the rezone signs were placed on both sides with only one neighbor asking questions about the proposal. The packets include two letters on approval for the variance.

ACTION:

Motion: Chuck Horton made a motion to approve Variance No. P23-0080 for Joe Irving, ±9.61 acres, 1171 Knob Creek Drive, with two conditions.
Second: Mark Saxon
Voted in Favor of Motion: Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed to approve Variance #P23-0080 with two conditions.**
(See documentation in Ordinance and Resolutions Book No. 23.)

Special Exception Variance No. P23-0098:

Applicants:	Thomas and Theresa Haddock
Owners:	Thomas and Theresa Haddock
Location:	1520 Autumn Park
Acreage:	±0.29
Zoning:	R-1 (Single Family Residential District)
Request:	Special Exception Variance to reduce the side building setback from 7.5 feet to 2.2 feet for a golf cart enclosure.

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Mr. Herring briefed the Board regarding the request for the property, which is currently zoned R-1 (Single Family Residential District) in the Suburban Neighborhood Character Area. The applicants/owners request a variance from UDC Sec. 410.02.f which requires all accessory structures not specifically regulated by Article 3 to be at least ten feet away from any street right-of-way and at least five feet away from any other property line. This enclosure is already constructed and needs this variance to be in code compliance. The request is interpreted to be an addition to an existing building do the required setback per code is 7.5 feet for the side yard. Staff recommends denial of this variance.

The Public Hearing was opened.

Theresa and Thomas Haddock, 1520 Autumn Park, owner, request approval of the variance due to the shed being placed on a driveway previously approved by the county and the neighborhood HOA. They did not think they needed a permit due to the pad already being poured.

Stephanie Davis, 1590 Autumn Park, spoke in favor of the variance as a next-door neighbor who believes the addition blends in and looks fitting to the neighborhood.

Audrey Talbert, 1464 Greenleffe Drive, spoke in favor of the variance.

Larry Talbert, 1464 Greenleffe Drive, spoke in favor of the variance for the addition as it was well built and blended in as part of the original house.

There were no further comments in favor of the request

Terry Hand, 1750 Autumn Park, spoke against this variance as there was no application for a building permit and no application for the required approval by the HOA even when requested. He believes this decision will be a precedent setting decision that prior approval and permitting are no longer necessary.

Tommy Miler, President of the Georgia Club HOA, explained any owners in the Georgia Club must sign covenants which state a Board of Directors must approve any change or addition to their home. The HOA requests denial of the variance as it would set an example to other neighbors that it is ok to build into the setback without approval from the county or the HOA.

William Haan, 1460 Autumn Park, spoke against the variance, stating the addition does not conform with the original home construction and is well over the set back.

There were no further comments against the request.

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

REBUTTAL:

Thomas Haddock, 1520 Autumn Park, admitted he did wrong for not getting a permit, thinking he could build on an already poured pad without additional approval. The owner states he knew nothing about a setback, and his builder did not advise him of such. The addition was built as an exact match to his house. He admits to signing the Georgia Club covenants, apologized to his neighbors, and asked for leniency. Theresa Haddock added there that a tree and shrubbery were added as a buffer when built.

The Public Hearing was closed.

Commissioner Horton asked if there was correspondence between the HOA and the Haddocks during the construction process. Mr. Miller responded that letters and emails were sent to the owners once the framing went up. The HOA design committee has still not approved this addition.

Mr. Haddock responded that he approached the HOA once the siding was going up and completed his request. He also applied for a building permit at the point construction was almost complete, but again stated his builder never told him he needed a building permit.

Commissioner Saxon asked about the slab being in the setback buffer. Mr. Herring responded that an allowed driveway was in the buffer, but a building is not allowed in a setback buffer without a variance.

Commissioner Harden asked about recourse against builders who do not follow county rules. Mr. Herring explained the county has no resource, but the owner would have recourse against his builder.

Chairman Daniell confirmed a variance approved by the Board of Commissioners would have been required prior to this construction due to the addition being built in a setback.

Commissioner Harden confirmed that the Board of Commissioners has no authority over the HOA. The issue being addressed here is the county permitting and variance approval or denial.

Commissioner Horton stated there is a county process that must be followed.

Commissioner Saxon asked Mr. Haan if the addition is impeding him in any way which it is not.

ACTION:

Motion: Chuck Horton made a motion to deny Variance No. P23-0098 for Thomas and Theresa Haddock; to reduce side building setback; ±0.29 acres; 1520 Autumn Park.
Second: Amrey Harden
Voted in Favor of Motion: Chuck Horton, Amrey Harden
Voted Against Motion: Mark Saxon
Final Action: **Motion Passed 2-1 to deny Special Exception Variance #P23-0098.**
(See documentation in Ordinance and Resolutions Book No. 23.)

Discuss and Consider the 2023 Tax Millage Levy for Oconee County Government Maintenance and Operations:

Presented by: John Daniell, Chairman
Discussion: Chairman Daniell was excited to announce the 2023 mileage rate based on the approved budget will be 4.824 for the unincorporated areas, which is a reduction of 1.13 mills; and 5.804 for the incorporate areas, which is a reduction of 1 mill. He thanked the Board of Commissioners for working to implement the strategic planning. He read a statement from Commissioner Thomas in support of the millage rate reduction, thanking staff and the voters who made this possible.

*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 to Confirm: Mark Saxon made a motion to approve the 2023 tax millage levy for Oconee County Government Maintenance and Operations of 4.824 mills (unincorporated) and 5.804 mills (incorporated).
Second: Chuck Horton
Voted in Favor of Motion: Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Action/Motion: **Motion Passed.**

Discuss and Consider the Adoption of the Parks Master Plans:

Presented by: Lisa Davol, Parks and Recreation Director

Discussion: The Parks and Recreation Master Plan process has been ongoing for almost a year with staff feedback, citizen input, Recreation Advisory Committee recommendations, and the Town Hall Meeting in March focused on these plans. The Master Plan does include changes to the LAS site and Heritage Park revisions.

*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.*

Commissioner Harden asked for an update on the disk golf program.
Ms. Davol responded that staff are researching plans and working on updating the course.

ACTION:

Motion: Mark Saxon made a motion to approve the adoption of the proposed Parks Master Plans.
Second: Chuck Horton
Voted in Favor of Motion: Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

Discuss and Consider the Sale of the Library and Government Annex Buildings:

Presented by: Justin Kirouac, County Administrator and Daniel Haygood, County Attorney
Discussion: County Administrator Justin Kirouac explained sealed bids were received for the sale of the Library and Annex Buildings. The high bidder for the Library building was A&B Holding Company at \$1,582,114.9. The high bidder for the Annex building was Darren Britt at \$1,857,000.
County Attorney Daniel Haygood explained the request is to take \$35,000 earnest money and defer the sale of the Library building until the end of March 2024 instead of leasing the building back until the library can move.
For the Annex building, the county will lease back the Facilities shop and Water Resources field office for \$8,000 per month for two years with an option to extend if needed.

*The Public Comment Period was opened.
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 approved the sale and lease as submitted of the Library and Annex Buildings.
Second: Chuck Horton
Voted in Favor of Motion: Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Final Action: **Motion Passed.**

Discuss and Consider Amendment to the County Lawncare Contract to include the Administrative Building:

Presented by: Justin Kirouac, County Administrator
Discussion: County Administrator Justin Kirouac requests a contract modification required to add the new Administrative Building to the current lawncare contract with Houseman, along with any budget amendments as needed. Over the course of the fiscal year, other sites will be removed as sold and vacated.

*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: Chuck Horton made a motion to approve the contract modification with Houseman for lawncare services.
Second: Mark Saxon
Voted in Favor of Motion: 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.

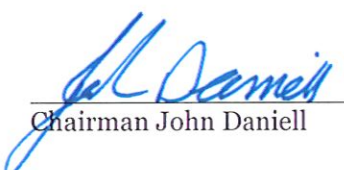
ACTION

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

- 1) Approval of the 2023 Resurfacing Contract Modification.
- 2) Approval of the Union Church Road Resurfacing Contract.

Meeting Adjourned:

Motion: Mark Saxon made a motion to adjourn the meeting.
Second: Chuck Horton
Voted in Favor of Motion: Chuck Horton, Amrey Harden, Mark Saxon
Voted Against Motion: None
Action/Motion: **Motion Passed.**
Meeting Adjourned: 8:10 p.m.


Chairman John Daniell


Holly Stephenson, County Clerk

8-1-23
Date