

THE HONORABLE BOARD OF COUNTY COMMISSIONERS, MADISON, GEORGIA,
MET THIS DAY IN REGULAR SESSION.

MEETING WAS HELD ON THE SECOND FLOOR OF THE ADMINISTRATION BUILDING.

PRESENT: Chairman Bill Kurtz, Vice-Chair Blake McCormack, Commissioners Ben Riden, Jr., and Philipp von Hanstein.

ABSENT: Commissioner Donald Harris and County Attorney Christian Henry.

STAFF: County Manager Adam Mestres, Assistant County Manager Mark Williams, and HR Director Leslie Brandt.

The meeting was called to order at 10:00 a.m., followed by the Pledge of Allegiance and Invocation.

AGENDA APPROVAL

Motion by Commissioner McCormack, Seconded by Commissioner von Hanstein to approve the agenda as presented. Motion Passed Unanimously.

MINUTES

June 18, 2024 BOC Meeting

Motion by Commissioner Riden, Seconded by Commissioner McCormack to approve the minutes as presented. Motion Passed Unanimously.

BANCROFT CONDITIONAL USE

Wes Bancroft, on behalf of Towers, LLC, is requesting conditional use approval for a telecommunications tower on 149.6 acres located on Paxson Dairy Road (Tax Parcel 007-026).

This application is identical to an application that was submitted and approved in 2020 with condition. However, the tower was never built, and the conditional use has expired.

Planning Director Chuck Jarrell stated that at the Planning Commission meeting, John Bostwick spoke in opposition to the request, showing his future home site next to the proposed tower site. He stated he had already installed a well and septic tank and that the tower would be within 300' of his home. He asked why the tower had to go in that particular location when the subject property is 150 acres. The Planning Commission agreed, noting that while they understand that the Ruark's farm, a majority of the 150 acres, there are other wooded locations on the larger property where a tower could be placed that would not interfere with Mr. Bostwick's home site. Also at the Planning Commission meeting, the applicant's representative, Veronica Krutchten, stated that the tower company had worked with the Ruark's for months to determine the appropriate location for the tower and that the Telecommunications Act required approval if evidence presented showed the tower was necessary to provide seamless coverage. The question was whether evidence would show diminished coverage if the tower location was moved across Paxson Dairy Road.

The Planning Commission voted unanimously to recommend denial of the request for conditional use approval for a telecommunications tower on Paxson Dairy Road with the further recommendation to the applicant to seek another tower location on the same property.

Chairman Kurtz opened the floor for proponents and opponents to speak.
No one spoke in favor or against the request.

Motion by Commissioner von Hanstein, Seconded by Commissioner McCormack to table the request until the August 06, 2024 BOC meeting. Motion Passed Unanimously.

ED PRIOR REZONING

The Living Trust of Edwin F Prior, Jr. is requesting a zoning map amendment, from AG to C2, for 2.3 acres located at the corner of Highway 441 and Apalachee Road (Tax Parcel 024-008).

A portion of this property was rezoned to C2 in 2014, but rezoned back to AG when the proposed retail project fell through. Ed Prior explained that his land remaining after the highway acquisition, approximately 12 acres, was not enough to farm, particularly when it involved the danger of attempting to get a tractor across 4 lanes of highway. The Planning Commission expressed concern about uses in the C2 zoning district, especially when many uses would not need further approval if the property was rezoned. The Planning Commission decided on conditional rezoning that would limit the uses to retail, thus eliminating the possibility of visually obtrusive uses such as car lots and portable building sales. They noted that if a future buyer wanted a different use, they could come to the Boards and request the condition be changed. The Planning Commission voted unanimously to recommend approval of the rezoning application with the condition that uses be limited to retail.

Property owner, Ed Prior spoke before the Board of Commissioners. Mr. Prior stated that his family has owned the land since 1817, and he has lived and farmed on the land his entire life. With the DOT changes being made, it will be hard to continue farming on the land.

Chairman Kurtz opened the floor for proponents and opponents to speak.
No one spoke in favor or against the request.

Motion by Commissioner McCormack, Seconded by Commissioner von Hanstein to approve the rezoning application request with the condition that uses be limited to retail. Motion Passed Unanimously.

SMITH VARIANCE

Michael & Chasity Smith are requesting a variance to the rear setback in PUD zoning for .43 acres located at 1010 Vinca Lane (Tax Parcel 046C-091).

The applicants seek the reduction in setback to install a swimming pool, noting the numerous issues with the community pool at Madison Lakes, including drug use, drunkenness and bullying. The Planning Commission noted that each street in Madison Lakes has different setbacks, with the applicant's nearby neighbors having 20' and 15' rear setbacks, as opposed to the applicant's 35' rear setback. They also noted that the applicant backed up to the old golf course and had no rear neighbor to disturb with a smaller setback. They decided to match a neighboring rear setback and include a condition connected to the greenspace to dissuade dissimilar variance requests in the future. The Planning Commission voted unanimously to recommend approval of a 15' rear setback with the condition that the property back up to community greenspace.

The applicant Chasity Smith spoke before the Board of Commissioners. Mrs. Smith stated that her family does not feel safe using the community pool since there is no onsite management. They are requesting the setback variance to build a small pool on their property. They would love to be granted the 10' setback that was approved by Madison Lakes but are willing to compromise with the 15' setback if that is what the Board is willing to grant.

Chairman Kurtz opened the floor for proponents and opponents to speak.
No one spoke in favor or against the request.

Motion by Commissioner von Hanstein, Seconded by Commissioner Riden to approve the variance with a 10' rear setback with no encroachment of concrete. Motion Passed Unanimously.

NEAL AND TINA HIGDON VARIANCE REQUEST TO SECTION 3.6.2.2.2, QUALIFICATIONS FOR FAMILY DIVISIONS, OF THE MORGAN COUNTY DEVELOPMENT REGULATIONS

Planning Director Chuck Jarrell stated Mr. and Mrs. Higdon own two adjoining tracts of land, tax parcels 030-044 (9.65 acres) and 030-045 (10.23 acres), located at Spears Road. They are asking for a variance to the Morgan County Development Regulations – Sections 3.6.2.2.2 –

Qualifications for Family Divisions to subdivide tax parcel 030-045 into two tracts to have the ability to give one portion to a family member. They are asking to utilize the easement clause for the family division to be able to provide access to the back of the property.

They intend to subdivide the parcel using the existing 300 feet of road frontage and the two acres for Tract 1 to give to their son and keep Tract 2, the remaining back acreage, as a landlocked parcel. They are asking to access the created land-locked parcel by an easement instead of the required road frontage.

With the current regulations, what the Higdon's are asking for can only be accomplished by two methods:

1. To subdivide as they are requesting, it would require the remaining 8.23 acres to be combined with tax parcel 030-044. The Morgan County Zoning Ordinance does not allow the creation of a non-conforming lot. Each lot must meet the lot size, lot width, and road frontage.
2. The only other option under the existing regulations is the Family Division section of the Morgan County Development Regulations. The Higdon's do not meet the criteria for this option due to not owning the land for the required 10 years. They purchased the property (Tax Parcel 030-045) on November 26, 2018.

With no path forward, the applicant withdrew the request.

The Board did agree to refund the application fee to the Higdon's.

Motion by Commissioner von Hanstein, Seconded by Commissioner McCormack to refund the \$300 application fee to the Higdon's. Motion Passed Unanimously.

FY25 BUDGET AMENDMENT

The Board of Commissioners requested a proposed budget amendment be presented at the first meeting in FY25. This proposed amendment will allow for a current PT (0.75) FTE in Ag Resources to be converted to a FT (1.0) FTE with benefits. The proposed adjustment is \$14,492.

The current employee is not expected to take county health insurance as they are covered under another plan. In the future, if the employee does wish to receive such benefit a future amendment will be necessary.

Motion by Commissioner McCormack, Seconded by Commissioner von Hanstein to approve increasing an employee allocation from 0.75 FTE to 1.0 FTE in Ag Resources and transferring \$14,492 from General Fund Payroll Contingency (1595) to Ag Resources (7130). Motion Passed Unanimously.

ENVIRONMENTAL HEALTH FEES

The Morgan County Health Department is requesting that the Board of Commissioners consider the proposed fee increases for environmental health effective August 1, 2024. The Department has not raised fees since 2018.

Commissioner McCormack serves as the county commissioner representative on the health department board and advised that the board approve the proposed fee increase.

In part, Under O.C.G.A 31-3-4(6) ..."No fees for environmental health services may be charged unless the schedule of fees for such services has been approved by the county governing authority".

Motion by Commissioner Riden, Seconded by Commissioner McCormack to approve the proposed environmental health fees on August 1, 2024, as presented. Motion Passed Unanimously.

DFCS BOARD APPLICATION

The term of Pamela Benford on the Department of Family & Children Services Board expired on June 30, 2024. Ms. Benford submitted an application to be considered for reappointment.

No other applications were received.

Motion by Commissioner von Hanstein, Seconded by Commissioner McCormack to reappoint Pamela Benford to the DFCS Board with a term ending June 30, 2029. Motion Passed Unanimously.

COUNTY MANAGER REPORT

County Manager, Adam Mestres, presented a monthly overview of Morgan County government's current projects and/or issues.

PUBLIC COMMENTS ON AGENDA ITEMS

- Morgan County resident, JoEllen Artz commented on the Higdon variance request.

COMMISSIONER COMMENTS

Commissioners made comments and gave updates on liaison assignments.

MOTION by Commissioner Riden, seconded by Commissioner McCormack to exit regular session and adjourn at 12:24 p.m. Motion Passed Unanimously.

Bill Kurtz, Chairman

ATTEST:

Kim Cox, County Clerk