

May 07, 2019

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

PRESENT: Chairman Ronald H. Milton, Vice-Chair Philipp von Hanstein, Commissioners Andy A. Ainslie, Jr., Donald Harris and Ben Riden, Jr.

STAFF: County Manager Adam Mestres, Assistant County Manager Mark Williams, County Attorney Christian Henry and County Clerk Leslie Brandt.

Commissioner Milton, called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance.

Commissioner Harris gave the invocation.

APPROVAL OF AGENDA

Motion by Commissioner Harris, Seconded by Commissioner von Hanstein to approve agenda as presented. Unanimously Approved.

MINUTES

April 02, 2019 Minutes

April 16, 2019 Minutes

MOTION by Comm. Riden seconded by Comm. Ainslie to approve the minutes for the April 02, 2019 Regular Meeting. Unanimously Approved.

MOTION by Comm. Ainslie seconded by Comm. Harris to approve the minutes for the April 16, 2019 Regular Meeting. Unanimously Approved.

CALENDARS

County Manager, Adam Mestres reviewed the calendars for May, June and July 2019.

CONSENT AGENDA

1. Motion to accept as information the April 2019 payables to include General Fund in the amount of \$601,236.73, SPLOST in the amount of \$78,936.18 and General Fund electronic payments in the amount of \$98,107.93 and the April 2019 financials.
2. Motion to accept as information the March 2019 Staff Reports that were presented at the April 16, 2019 Commission Meeting.

MOTION by Comm. Harris, seconded by Comm. von Hanstein to approve the consent agenda as presented. Unanimously Approved.

PURCHASE OF REPLACEMENT TASERS

Proposed contract from Taser 60 to replace twenty outdated taser units to be paid over a five-year repayment plan for \$5,820 per year; a total of \$29,100.

MOTION by Comm. von Hanstein, seconded by Comm. Riden to approve the Taser 60 contract to purchase 20 tasers for a total of \$29,100 to be paid over a five-year period (\$5,820 per year). Unanimously Approved.

COUNTY MANAGER'S REPORT

County Manager, Adam Mestres, presented a monthly overview of Morgan County government's current projects and/or issues. (COPY: Miscellaneous Book)

PUBLIC COMMENTS ON AGENDA ITEMS

No public comments were made on agenda items.

MOTION by Comm. Ainslie, seconded by Comm. Riden to exit regular session. Unanimously Approved.

EXECUTIVE SESSION – PERSONNEL

MOTION by Comm. Ainslie seconded by Comm. Riden to enter Executive Session to discuss personnel. Unanimously Approved. (Original signed Affidavit in Executive Session Legal Requirement Book).

MOTION by Comm. Ainslie, seconded by Comm. Riden to exit Executive Session. Unanimously Approved.

MOTION by Comm. Ainslie, seconded by Comm. Riden to enter Regular Session. Unanimously Approved.

EDWARD MCDUFFIE IS REQUESTING CONDITIONAL USE APPROVAL TO OPERATE AN EVENT FACILITY ON 58.55 ACRES LOCATED AT 2761 ATHENS HIGHWAY (025-065)-TABLED AT THE APRIL 02, 2019 BOC MEETING

Planning Director, Chuck Jarrell presented the Board with Edward McDuffie's conditional use request. This application was heard at the March 28, 2019 Planning Commission meeting. The Planning Commission was concerned about excessive speeds of traffic on Highway 441, particularly at VFW Lane with limited site distance, and guest use of the dam. The applicant stated that only guests with mobility issues or associated with the bridal party would drive across the dam; all other guests would park between the fence and the pond. He planned to install a DOT compliant guardrail on both sides of the dam. Rick and Mindy Burns, Wilbur Bohlen, Jennifer Moody and Mack Bohlen spoke in opposition to the application, with their main concerns being noise and traffic hazards. Comments were also made regarding gun shots heard from the property. The Planning Commission voted unanimously to recommend approval of the application for an event facility with the following conditions: 1. VFW Lane to be used as an emergency access/exit only. Staff would like to clarify that the access road should be an all-weather surface. 2. Applicant to submit lighting plan to be approved by the Director of Planning & Development. This is to alert guests of the impending entrance. 3. Applicant to install a DOT approved guardrail on both sides of the dam. At the BOC meeting last month, Staff suggested another condition, which was a prohibition on gun related events.

At both the Planning Commission meeting and the BOC meeting last month, several subjects were brought up that should be addressed briefly. Numbers for traffic fatalities on Highway 441 have been quoted, and perhaps misrepresented. While there is no doubt that fatalities occur on 441, we have to look particularly at the area where the event facility is proposed, not south 441 or Oconee County. Morgan County Dispatch pulled the numbers and between Bass Road and Sandy Creek, there has been one fatality in the last 24 months. That's one too many, but that's accurate data for the area in question.

The applicant originally asked for a barn permit. The question was asked why we didn't put a stop work order on the job when we saw it was becoming more than a barn. It's a barn with an apartment, just like dozens of other barns across the county. It's a fancy barn, but we've got quite a few of those in the county too. Until approved for something else, it's a barn with an apartment. Whether he had an ulterior motive when he permitted the project is irrelevant at this point.

Last month, neighbors requested information regarding traffic, which prompted the application to be tabled. DOT representatives were present at a hearing on April 25. Brock Tyson and Kedrick Collins explained charts that determined how many daily left and right turns were acceptable, based on the annual average daily traffic. DOT was clear that they would not get involved unless the applicant applied for a commercial driveway or did work in their ROW. Neighbors brought up the traffic on gameday Saturdays. DOT explained that those were considered special events and they did not factor into their criteria.

Widening the driveway was discussed. The concern with several of the possibilities mentioned is that the driveway is wide enough for only one car, so if cars were queued to leave and someone needed to turn in, they could be sitting on the highway indefinitely with their turn signal on. Widening the driveway to the parking lot or even across the dam was mentioned. The neighbors requested a commercial driveway, which by DOT standards is 24' wide. The other option is to have a 20' wide driveway, which allows 2 cars to pass without requiring a commercial driveway permit from DOT.

CHAIRMAN MILTON ALLOWED PROPONENTS TO SPEAK

Wilson Dubose, representing Edward McDuffie spoke in favor of the request. Dubose stated the owner's goal is to eventually live on the property and that McDuffie has a great commitment to the better of this county.

Edward McDuffie spoke in favor of the facility. Mr. McDuffie stated that he was probably going to put a two-lane road down the back of the dam, and that he would have the Sheriff's office help with traffic control.

Morgan Hall, event coordinator and owner of Oconee Events also spoke in favor. McDuffie plans to use Oconee Events to help coordinate events at his facility to ensure they operate safely.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

Wilbur Bohlen, Morgan County resident spoke in opposition of the event facility. Bohlen stated he was not opposed to the facility. However, he is concerned about his safety when turning into his driveway that is adjacent to the facility and the safety of others.

Mindy Burns, Morgan County Resident also spoke in opposition. Burns stated that her home is the closest to the facility. She is opposed to VFW Lane being used for anything other than emergencies.

Motion made by Commissioner Ainslie, Seconded by Commissioner Harris to approve the request for a conditional use approval to operate an event facility on 58.55 acres located at 2761 Athens Highway (025-065) with the following conditions: VFW Lane to be used as an emergency entrance/exit only, access road must be all-weather surface, applicant to submit lighting plan to be approved by the Director of Planning and Development, applicant to install DOT approved guardrail on both sides of the dam, unless 2 lane road is installed to provide access around dam, gun related events are prohibited, attendance is limited to 350 guests and driveway to be widened to 20 feet wide, from the highway to the parking area. Motion passed 3-1 (with Commissioner von Hanstein voting with the motion and Commissioner Riden voting against the motion).

YOUNGBLOOD INVESTMENTS, LLC IS REQUESTING A ZONING MAP AMENDMENT, FROM GENERAL COMMERCIAL (C2) TO HEAVY COMMERCIAL (C3) FOR 8.62 ACRES LOCATED AT 1600 ATHENS HIGHWAY (TAX PARCEL M15-007)

The applicant built 3 mini storage buildings in 2017 at this location. The property those units are located on is zoned C3 and did not have to be rezoned. This rezoning proposal is the property behind the existing mini storage units, where the applicant wants to build additional storage units. The applicant has stated his intention to combine this property with the front property already zoned C3. The request meets the criteria for a zoning map amendment and is compatible with the comprehensive plan. The Planning Commission discussed buffers along the property, which are bisected by AT&T and Georgia Power easements. The Planning Commission voted unanimously to recommend approval of the zoning map amendment, from C2 to C3, for 8.62 acres at 1600 Athens Highway with one condition: 30-foot-wide buffers be planted along the residential property line from the existing buffer to the utility easements.

CHAIRMAN MILTON ALLOWED OPPONENTS AND PROPONENTS TO SPEAK

No one spoke in favor or opposition of the application.

MOTION by Comm. Harris, seconded by Comm. Ainslie to approve the zoning map amendment from general commercial (C2) to heavy commercial (C3) for 8.62 acres located at 1600 Athens Hwy. (Tax Parcel M15-007) as presented. Unanimously Approved.

YOUNGBLOOD INVESTMENTS, LLC IS REQUESTING A VARIANCE FROM CHAPTER 10.8 OF THE MORGAN COUNTY ZONING ORDINANCE, RELATED TO CURBING, FOR 8.62 ACRES LOCATED AT 1600 ATHENS HIGHWAY (TAX PARCEL M15-007)

The applicant asked for a variance for paving and curbing in 2016 for the property where the existing mini storage buildings are located. The paving variance was denied, but the curbing variance was approved. The reason given was the storm infrastructure would create significant land disturbance opposed to allowing the sheet flow on the relatively flat lot. The applicant asked only for a curbing variance this time. The Planning Commission acknowledged the precedent set with the 2016 approval and voted unanimously to recommend approval of the variance request for curbing at 1600 Athens Highway.

CHAIRMAN MILTON ALLOWED OPPONENTS AND PROPONENTS TO SPEAK

No one spoke in favor or opposition of the application.

MOTION by Comm. Harris, seconded by Comm. Ainslie to approve the variance request from Chapter 10.8 of the Morgan County Zoning Ordinance, related to curbing, for 8.62 acres located at 1600 Athens Hwy. (Tax Parcel M15-007) as presented. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO ARTICLE 7, CHAPTER 7.1 OF THE MORGAN COUNTY ZONING ORDINANCE RELATED TO ACCESSORY BUILDINGS.

CHAIRMAN MILTON ALLOWED OPPONENTS AND PROPONENTS TO SPEAK

No one spoke in favor or opposition of the application.

MOTION by Comm. Ainslie, seconded by Comm. Harris to approve the text amendment to Article 7, Chapter 7.1 of the Morgan County Zoning Ordinance related to accessory buildings as presented. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO ARTICLE 7 &, CHAPTER 7.2 OF THE MORGAN COUNTY ZONING ORDINANCE RELATED TO ACCESSORY DWELLINGS

CHAIRMAN MILTON ALLOWED OPPONENTS AND PROPONENTS TO SPEAK

No one spoke in favor or opposition of the application.

MOTION by Comm. Harris, seconded by Comm. Ainslie to approve the approve the text amendment to Article 7 & Chapter 7.2 of the Morgan County Zoning Ordinance related to accessory dwellings as presented. Unanimously Approved.

MOTION by Comm. Ainslie, seconded by Comm. Riden to exit regular session. Unanimously Approved.

EXECUTIVE SESSION – PERSONNEL

MOTION by Comm. Ainslie seconded by Comm. Riden to enter Executive Session to discuss personnel. Unanimously Approved. (Original signed Affidavit in Executive Session Legal Requirement Book).

MOTION by Comm. Ainslie, seconded by Comm. Riden to exit Executive Session. Unanimously Approved.

MOTION by Comm. Ainslie, seconded by Comm. Riden to enter Regular Session. Unanimously Approved.

MOTION by Comm. Ainslie, seconded by Comm. Riden to adjourn. Unanimously Approved.

Ronald H. Milton, Chairman

ATTEST:

Leslie Brandt, County Clerk