

September 03, 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: Procurement Director 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 made by Commissioner Ainslie, Seconded by Commissioner Riden to approve agenda with the addition of Personnel under Executive as item #14. Unanimously Approved.

MINUTES

August 06, 2019 Minutes

August 20, 2019 Minutes

MOTION by Comm. Riden seconded by Comm. Harris to approve the minutes as presented. Unanimously Approved.

CALENDARS

Mark Williams reviewed the calendars for September, October and November 2019.

CONSENT AGENDA

1. Motion to accept as information the August 2019 payables to include General Fund in the amount of \$1,148,503.60, TSPLOST in the amount of \$26,118.23, SPLOST in the amount of \$62,150.63, General Fund electronic payments in the amount of \$3,267.01 and the August 2019 financials.

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

BROUGHTON RD RESURFACING – REBID

This rebid is for Broughton Road resurfacing and road widening, as well as, the Pierce Dairy Road section replacement project which was originally put out for bid on June 19, 2019. On August 29, the County received four bids for the project. After bid review, it is recommended that the County proceed with awarding the project to Pittman Construction Co. in the amount of \$1,334,788 to be paid out of LMIG and TSPLOST line items.

MOTION by Comm. von Hanstein seconded by Comm. Riden to award the road resurfacing project to Pittman Construction in the amount of \$1,334,788 to be paid from LMIG and TSPLOST funding as presented. Unanimously Approved.

COUNTY MANAGER'S REPORT

Procurement Director, Mark Williams, 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.

EXECUTIVE SESSION – REAL ESTATE AND PERSONNEL

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

Commissioner Riden exited executive session at 10:20 a.m.

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

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

BOSTWICK PAWLEYS INVESTMENTS, LLLP, IS REQUESTING CONDITIONAL USE APPROVAL TO CONSTRUCT AN ACCESSORY DWELLING ON 483.02 ACRES LOCATED AT 1281 MALLORY ROAD (TAX PARCEL 017-001A).

Senior Planner, Tara Cooner stated the applicant has 483 acres with a hunting cabin and a barn. The cabin is approximately 1200 square feet and meets the definition of a primary dwelling. The applicant's female family members feel the cabin is a bit primitive and refuse to stay there. The applicant is proposing a 2400 square foot house to be constructed about 350' from the existing cabin. The applicant had spoken to staff earlier in the year, when the ordinance stated that an accessory dwelling had to be half the size of the primary dwelling. The applicant was informed the language was going to be changed and turned in his building permit application after the text amendment was approved. The Planning Commission discussed whether the fact that the applicant had received information prior to the text change should affect the recommendation. The consensus was no. The ordinance is written to require property with allowable acreage to be split to allow a second home when both the existing home and proposed home meet or exceed the minimum square footage for the zoning district. The applicant admitted that he had already looked into splitting the property and the Planning Commission felt he should continue to pursue that route. The Planning Commission voted unanimously to recommend denial of the application for an accessory dwelling at 1281 Mallory Road.

CHAIRMAN MILTON ALLOWED PROPONENTS

No one spoke in favor.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition.

MOTION by Comm. Ainslie seconded by Comm. von Hanstein to deny the conditional use request from Bostwick Pawleys Investments to construct an accessory dwelling on 483.02 acres located at 1281 Mallory Road (Tax Parcel 017-001A). Unanimously Denied.

PERCO EQUIPMENT RENTALS, LLC, IS REQUESTING A ZONING MAP AMENDMENT FOR 0.87 ACRES LOCATED AT 1540 GREENSBORO HIGHWAY, FROM C2 (GENERAL COMMERCIAL) TO C3 (HEAVY COMMERCIAL) (TAX PARCEL 035-108).

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PERCO EQUIPMENT RENTAL, LLC, IS REQUESTING A ZONING MAP AMENDMENT FOR 2 ACRES LOCATED AT 1542 GREENSBORO HIGHWAY, FROM C2 (GENERAL COMMERCIAL) TO C3 (HEAVY COMMERCIAL) (TAX PARCEL 035-109A).

Senior Planner, Tara Cooner presented zoning map amendment for tax parcels 035-108 and 035-109A together. Cooner stated the location is the old Smoking Gun restaurant and Charles Bradley's soda blasting business next to it and the empty parcel behind those buildings. The applicant is seeking to operate an equipment rental and sales business at this location. A rental business is allowed in the current zoning district, but the equipment sales requires a C3 designation. The zoning history on this property is complicated, but both parcels were rezoned to C3 in 2004. When the new Zoning Atlas was approved in 2006, the parcels were changed to C2 for the front parcel and AR for the rear parcel. The rear parcel was rezoned to C2 in 2013. The Future Land Use Map shows the area as industrial. The Planning Commission acknowledged the precedent and the Future Land Use Map and voted unanimously to approved both rezoning applications for parcels 035-108 and 035-109A, from C2 to C3.

CHAIRMAN MILTON ALLOWED PROPONENTS

No one spoke in favor.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition.

MOTION by Comm. Ainslie seconded by Comm. Harris to approve the request for zoning map amendment for tax parcels 035-108 and 035-019A from C2 to C3. Unanimously Approved.

MORGAN COUNTY PLANNING AND DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO ARTICLE 4 OF THE MORGAN COUNTY ZONING ORDINANCE REGARDING FARM TENANT DWELLINGS.

Senior Planner, Tara Cooner stated, with ordinances for short term rentals and the language for accessory dwellings, we have people looking for loopholes for rental income and they think they have found one. We have received several requests for farm tenant dwellings on properties with no farms. We don't want to remove the option to have farm tenant dwellings, so we are proposing to change them to conditional instead of permitted. We've only had 2 applications for legitimate farm tenant dwellings in my 11 years. They have both been for Dave Clark. The Planning Commission also requested a definition for working farm. The Planning Commission voted unanimously to recommend approval of the text amendment for farm tenant dwellings.

CHAIRMAN MILTON ALLOWED PROPONENTS

No one spoke in favor.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition.

MOTION by Comm. Harris seconded by Comm. Ainslie to approve the text amendment for farm tenant dwellings to article 4 of the Morgan County Zoning Ordinance. Unanimously Approved.

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

Senior Planner, Tara Cooner presented the proposed text amendment for accessory buildings. Cooner stated, this is another modification to the accessory buildings language. The first change is to prohibit certain structures as accessory buildings. We have had constant questions about the use of old construction trailers, old school buses, old RVs. These structures are not attractive, it looks like junk in the yard, but more importantly, they are not always safe. The second change is to allow primary dwellings in an accessory building. We now have language that allows an accessory dwelling to be in an accessory building, but we have requests for a primary dwelling in a barn or metal building. Folks want to build a 2000 square foot house in their barn. We are not opposed to that, as long as people understand that is their main house. This language provides for that. The Planning Commission voted unanimously to recommend approval of the text amendment for accessory buildings.

CHAIRMAN MILTON ALLOWED PROPONENTS

No one spoke in favor.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition.

MOTION by Comm. Harris seconded by Comm. von Hanstein to approve the text amendment for accessory buildings to chapter 7.1 of the Morgan County Zoning Ordinance. Unanimously Approved.

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

MOTION by Comm. Ainslie, seconded by Comm. von Hanstein to adjourn. Unanimously Approved.

Ronald H. Milton, Chairman

ATTEST:

Leslie Brandt, County Clerk