

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 Ben Riden, Jr., Vice-Chair Bill Kurtz, Commissioners Philipp von Hanstein, Donald Harris, and Blake McCormack.

**STAFF:** County Manager Adam Mestres, Assistant County Manager Mark Williams, County Attorney Christian Henry, and County Clerk 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 Harris, Seconded by Commissioner von Hanstein to approve the agenda as presented. Motion Passed Unanimously.

### **MINUTES**

November 27, 2023 BOC Meeting

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

### **CONSENT AGENDA**

Motion to accept as information the November 2023 payables and financials.

**MOTION** by Commissioner Harris, Seconded by Commissioner McCormack to approve the consent agenda as presented. Motion Passed Unanimously.

### **TEXT AMENDMENT TO TABLE 4.1 TO ADD SHIPPING CONTAINERS AND ASSOCIATED REGULATIONS TO THE MORGAN COUNTY ZONING ORDINANCE**

On February 26, 2023 - Gerald and Summer Wood requested a text amendment to add shipping containers to Table 4.1. The Planning Commission tabled the request for staff to work with the Wood's to address concerns and questions concerning shipping containers.

At the April 27, 2023 Planning Commission meeting, the Planning Commission recommended denial of the text amendment by a vote of 4 to 2.

The request then went before the Board of Commissioners on May 2, 2023 . The Board tabled the text amendment for further consideration.

The request was tabled again by the Board of Commissioners on June 6, 2023 and September 5, 2023.

The language below has been modified to address comments from Commissioners:

Definitions

- Accessory Building:** A structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.
- Damage:** Damage or breakage occurring to a unit of an industrialized building or any part thereof causing it to not comply with these regulations.
- Earthtone Colors:** A palette of colors that are similar to natural materials and landscapes. These colors are inspired by the earth's natural hues, including browns, greens, grays, and other muted shades.
- Storage Container:** A portable weather-resistant, commercially leased or rented receptacle designed and used for the storage or shipment of personal property.
- Shipping Container:** A single rigid, sealed, reusable, metal (corrugated) box in which cargo or freight is shipped by sea vessel, air, truck or rail, that is generally 10, 20, 30 or 40 feet in length by 8 feet wide by 8, 8.5, or 9.5 feet high and is designed and constructed in conformance with International Standards Organization (ISO) standards and International Convention for Safe Containers (ICSC) regulations to withstand normal stresses applied during regular transport.

Purpose

To establish regulations to limit the use of shipping containers to avoid unsightly conditions and degradation of community character. To reduce or eliminate the presence of shipping containers within the view of the public right-of-way and adjoining properties. To allow for temporary and/or ongoing use of existing shipping containers, subject to certain design, screening, and placement requirements.

Applicability

Shipping containers located on any property within Morgan County, Georgia shall comply with the regulations set forth in this chapter.

Regulations

Shipping and storage containers may be used as accessory buildings in accordance with the following:

- **Zoning Districts** – Permitted only in the General Commercial (C2) Agricultural (AG) and Agricultural Residential (AR) districts **with five (5) acres or more**.
- **Building Permit Required** - Purchasers, owners, or users of shipping or storage containers shall obtain a building permit from the county for a maximum of one (1) container, prior to placing or moving the container onto their property.
- **Setback Requirements** - Placement of the shipping or storage container shall be placed in the rear yard and meet all setbacks for the district in which it is located.
- **Permanent Foundation** - All shipping or storage containers shall be placed on concrete foundation **(piers)** at ground level to facilitate proper anchorage of the container for safety and stability.
- **Structural Compliance** – The shipping or storage container shall be free of damage and rust. Any alteration of the container shall be in compliance with the International Building Code.
- **Ventilation** – Shipping or storage containers shall provide adequate ventilation for personal safety.
- **Exterior Appearance** - The exterior of the storage container shall be maintained and free of damage and rust and be painted a solid earthtone color to blend with its surroundings. No signs, **letters, numbers**, or logos shall be on the container.
- **Screening** – All shipping or storage containers shall be screened from the public right of way and adjacent properties by a natural or planted buffer to provide a 75% opacity year-round.

Conditional Use Approval

Conditional use approval will be required for all commercial and agricultural operations requiring more than one shipping or storage container.

- **Commercial Businesses** - Shipping containers used for seasonal sale of landscaping materials shall be allowed at commercial businesses that typically sell such materials. Shipping containers shall not be allowed for storage of overstock or at businesses that do not typically sell outdoor or landscaping materials.
- **Agricultural Operations** – Shipping containers used in conjunction with agricultural operations for the storage of products grown or processed, prior to sale or use, may be used providing they meet these regulations.

#### Prohibitions

- No shipping or storage container shall be placed in a **common development** (subdivision).
- No shipping or storage container shall be stacked or otherwise arranged.
- No shipping or storage container shall be used as a dwelling unit.
- No trailers, to include but not limited to, semi-trailers, dry van boxes, mobile or manufactured homes, on or off wheels, shall be used as an accessory building.

#### Temporary Permits

- A temporary permit for the placement of one shipping or storage container per residential lot may be issued once in a calendar year for the purposes of temporarily storing or shipping personal property in association with moving or property improvement for a maximum of 90 consecutive days.
- A temporary permit for the placement of shipping container(s) for material storage and construction site office may be issued in conjunction with an active building permit for a commercial or industrial construction site development for a period of one year, but may be extended at the discretion of the Director. All shipping containers in association with an active building permit shall be removed prior to the Certificate of Occupancy of the building.

**MOTION** by Commissioner McCormack, Seconded by Commissioner von Hanstein to approve the text amendment to allow shipping containers as accessory buildings in the AG, AR, C2, and C3 zoning districts with 5 or more acres with the following amendment: grandfather all existing containers, subject to exterior appearance and screening, with the option to move the container. Motion Passed Unanimously.

#### **PROPOSED DESIGN STANDARDS FOR HOUSING IN COMMON DEVELOPMENTS**

Planning Director, Chuck Jarrell presented proposed language for form based design standards. The proposed design standards would apply to residential subdivisions with five or more houses.

##### Sec. 14-267. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

**Architectural Period Style** – A definite type of architecture distinguished by special characteristics of structure and ornament, typically identified by a particular historic period.

**Cladding**- Any material used to cover a structure's exterior.

**Cluster Building Form** – An architectural form characterized by a combination of roof types, building heights, architectural styles and building materials.

**Common Development**- A contiguous area where multiple, separate and distinct construction activities will be taking place at different times on different schedules under one development plan; what is commonly known as a residential subdivision.

**Streetscape** – The visual elements of a street, including the road, adjoining buildings, sidewalks, street furniture, trees and open spaces, etc., that combine to form a street's character.

##### Sec. 14-268. Purpose.

The Residential Building Form Standards promote high quality and aesthetically attractive development and construction in Morgan County and provide a mechanism to create consistency in common development residential subdivisions. The Building Form Standards establish the basic requirements for architectural and associated landscape components.

##### Sec. 14-269. Applicability

The Morgan County Residential Building Form Standards shall apply to all residential dwellings and associated buildings constructed in common developments or where 5 or more parcels are created. Where the provisions of a zoning action or Homeowner's Association architectural standards and/or covenants impose more restrictive, higher or greater standards, the requirements of such provisions shall prevail.



Sec. 14-270. Standards to apply to all developments in all zoning districts involving the creation of 5 or more new parcels.

*(1) Building Form Vision.*

The following outlines the architectural characteristics envisioned for Morgan County common developments, which will contribute to achieving high-quality and pleasant streetscapes.

- Traditional house styles that will build upon the heritage of the built environment in Morgan County and avoid the proliferation of repetitive and bland housing.
- Limit the allowance of recurring elevations to provide variety with diverse architectural building forms.
- Architectural elements to be varied and distinctive, and in proportion with overall design.
- Consistency of architectural detailing and exterior cladding materials on all elevations of each dwelling.
- A variety of cladding materials is encouraged.

*(2) Elevation Variety*

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To help create visual diversity in the streetscapes, a range of house designs shall be offered to the market. The proposed houses shall be designed with alternate elevation treatments to reduce the probability that identical houses are repeated in the same development.

- A minimum of 10 lots shall separate houses with the same elevation, regardless of whether the elevation is reversed. The separation shall be in every direction to prevent the same elevation from being seen within a single viewshed.
- A variety of garage treatments and locations shall be incorporated in each streetscape.

*(3) Influencing Residential Building Forms*

The character of applicable developments shall reflect house forms commonly found in Morgan County. Architectural period styles are not governed. Cluster building forms are not allowed. Innovative design solutions, which do not strictly adhere to the local and traditional house types, may be considered based on their merits, provided the spirit of the guidelines is maintained. The descriptions of traditional house styles below are intended to provide a brief understanding of the identified forms. These descriptions are provided for information and to provide guidance in house design.

**Farmhouse – Side Gable**

- Main body of the house is a side gable with the entry on the long side;
- Maybe one or two stories;
- May have shed or gable dormers;
- Must have a front porch; porch may have gable or shed roof;
- No recessed entry on front façade allowed;
- May have side gable or hip roof additions;
- May have side additions connected by hyphens. No more than one front facing gable per side;
- May have rear additions with any roof type;

**Farmhouse – Front Gable and Wing**

- Main body of the house is a side gable with one projecting front facing gable, typically at one end but may be located anywhere on the front façade;
- May be one or two stories, but both gables must be same number of stories;
- May have gable or shed dormers;
- Must have front porch, typically a shed roof;
- No recessed entry on front façade allowed;
- May have side gable or hip roof additions;
- May have rear additions with any roof type;

**Farmhouse – Front Gable**

- Main body of the house is a front facing gable with the entry on the front façade;
  - May be one or two stories;
  - May have gable or shed dormers on the sides;
  - Must have a front porch, porch may have gable or shed roof;
  - No recessed entry on the front façade allowed;
  - May have side gable or hip roof additions;
  - May have rear additions with any roof type;
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Craftsman

- Main body of the house is boxy with side gable, front gable or hip roof;
- Maybe one or two stories;
- Roof pitch is typically low, not less than 3:12 and not more than 5:12;
- Main body roof may extend over the front porch or porch roof may be a shed;
- Must have a front porch; porch roof is supported by columns, which may sit on brick or stone piers;
- May have gable or shed roof dormers; typically only one front facing dormer;
- No recessed entry on the front façade allowed;
- May have side gable or hip roof additions; small additions may have shed roofs;
- May have rear additions with any roof type;
- Typical Craftsman details include exposed rafter ends, knee braces, tapered or double column porch supports and extra stickwork in gables.

Hip Roof Cottage

- Main body of the house is boxy with a hip or pyramid roof, typically with a 5:12 slope;
- May be one or two stories;
- May have additions with any roof type, but they are minor and do not subtract from the overall box appearance of the house;
- May have gable, hip or shed dormers;
- No recessed entry on the front façade;

(4) Foundations

Slab on grade is prohibited. A basement, crawl space or an elevated slab with a minimum of 32" exposed foundation is allowed. All exposed foundation walls shall be finished with brick veneer, stone masonry or stucco.

(5) Exterior Building Materials

- Permitted predominant cladding materials include brick, stone masonry, stucco and fiber cement siding;
- Other cladding materials shall be reviewed for suitability and will be subject to design merit;
- Houses may be clad with a single material used on all elevations, or feature a combination of materials where one is the dominant cladding and accented by another;
- Aluminum, Vinyl and sheet metal siding are prohibited.

(6) Siding Detailing

Siding refers to the application of clapboard, board and batten or shakes. These siding products may be used as the primary cladding material or as an accent. Trim boards shall be provided around all door and window openings and corners and include a continuous frieze board detail under all eaves, as well as a continuous skirt board.

(7) Roofs

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The composition of varied building forms on the streetscape shall consider the roof as an integral element, which can provide articulation and visual interest. The overall shape, slopes, eave heights and accent detailing characterize the roof. These elements help define the scale and massing of a building, as well as determine the historic qualities of a particular vernacular.

- Roof slopes and shapes shall appropriately correspond with the chosen building form of the house. No main roof slope shall be less than 5:12 unless on a Craftsman house form;
- Roofing materials may be architectural asphalt shingles, metal panels, cedar shakes, slate, or clay or metal tile.
- Other roofing materials shall be reviewed for suitability and will be subject to design merit;
- Eaves shall appropriately correspond with the chosen building form of the house. No eave shall be less than 12 inches;
- Dormers shall be proportionally sized to the overall roof, and trimmed and detailed not to appear as false architectural elements;
- All roof and gas vents shall be painted to match the roof color;

(8) Utilities and Mechanical Equipment

Air conditioning units and backup generator units, where provided, shall not be located in the front yard. Screening is required and may be accomplished by opaque fencing, masonry walls or evergreen plants, or a combination.

(9) Accessory Buildings

Accessory buildings must be designed to be architecturally compatible with the primary dwelling, utilizing the same roof pitches and cladding materials. Accessory building must be located in the side or rear yards.

(10) Garages

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(10) *Garages*

Garage treatments should be considered in combination with the orientation of houses. Solutions that locate the garage in the rear of the home are preferred.

- Garages must be designed to be architecturally compatible with the primary dwelling, utilizing the same roof pitches and cladding materials;
- Garages shall be side entry, whether in the front of the house or the rear or as a courtyard, or a detached structure in the rear of the house. Detached garages may face toward the front but must be a minimum of 20 feet behind the house;
- Garage doors shall be a minimum of 9 feet high;
- Garages must have sufficient width and depth to contain full size trucks or SUVs.

(11) *Additions*

Additions to a house or accessory building must be designed to be architecturally compatible with the primary dwelling, utilizing the same roof slopes and cladding materials.

(12) *Landscaping, Driveways and Fencing*

- All driveways shall be improved with a dust-free surface;

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- Sod is required in front and side yards. Rear yards must be seeded and strawed prior to the issuance of a Certificate of Occupancy;
  - Each front yard shall contain, at a minimum:
    - Four trees, a minimum of 2" caliper at breast height;
    - A minimum of 20 evergreen or flowering shrubs;
  - Native trees and shrubs are preferred;
  - Landscaping shall not restrict visibility of motorists or pedestrians;
  - No artificial plants, trees or other vegetation shall be installed;
  - Owner shall guarantee that all landscaping plants shall be maintained for a minimum of two years. Dead plants shall be replaced during this timeframe;
  - Privacy or other opaque fencing is prohibited in the front yard.

Sec. 14-280 *Design Review*

A Design Review Agent will review all submissions for compliance with these Residential Building Form Standards through a design review process that coordinates land disturbance, site planning, architecture, zoning, building code compliance and landscaping.

The Design Review Agent will have the authority to make interpretations of these guidelines to provide the necessary flexibility at the implementation stage, while ensuring that the spirit of the guidelines is met.

Approvals by the Design Review Agent do not release the applicant from compliance with other approval agencies, nor from compliance with all other Federal, State or Local ordinances. Approval by the Design Review Agent does not constitute approval of a building permit application.

All required plans for Design Review must be submitted with the building permit application. A developer or property owner may schedule a meeting with the Design Review Agent prior to submittal to confirm Design Review requirements. An approval will not be given prior to the submittal of a building permit application and meeting with the Design Review Agent shall not be construed as an approval.

The following documents shall be required for Design Review:

- (a) Site plan showing the location of all proposed structures, driveways, utilities, septic system (if applicable), and landscaping;
- (b) Building plans, including but not limited to, floorplans with dimensions and door/window sizes, full elevations of all exterior walls, architectural details, foundation plan with details, and roof plan.
- (c) A complete Design Review application. Incomplete applications will not be accepted.

Denial of the Design Review will suspend the building permit application review until such time as the Design Review is approved. Building permit application review will not continue separately once a Design Review is denied. The building permit application will be held for only four (4) weeks after the Design Review denial. The applicant is responsible for picking up the application materials if resubmittal takes longer than four weeks.

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**MOTION** by Commissioner Kurtz, Seconded by Commissioner McCormack to adopt the form based design standards for all common developments and add the language to the Code of Morgan County, Chapter 14 - Building and Building Regulations with the following amendment, slab must be 12"-32". Commissioner von Hanstein voted in favor of the motion and Commissioner Harris voted against the motion. Motion Passed 3-1.

**FRED TURNER TAX REFUND REQUEST**

Fred Turner, on behalf of Alfred Turner and Dolores Turner, is seeking a tax refund for a CUVA breach. The land was previously owned by Alfred Turner and Jerry Turner and was in CUVA. However, Jerry Turner passed away in August 2021 and his portion of the property was

transferred to Dolores Turner in March 2022. The Turner's were not aware the ownership transfer required additional steps in the CUVA program to avoid a breach penalty. A certified letter was mailed to the Turner's but was returned as undeliverable as addressed on May 01, 2023. Therefore, the Turner's were not aware the change in ownership was a breach of the CUVA contract.

~~**MOTION** by Commissioner McCormack, Seconded by Commissioner Kurtz to approve the tax refund request in the amount of \$31,586.00. Motion Passed Unanimously.~~

**Turner Tax Refund Motion Amended at the 12/19/2023 BOC Meeting:**

At the December 5th, 2023 BOC meeting the Board approved a tax refund to Alfred Turner in the amount of \$31,586.00. This refund was for taxes paid due to a CUVA breach through 2022.

However, at that time, it was not known to the Tax Assessors Office that Mr. Turner had paid taxes for the CUVA breach through 2023. Per the Tax Commissioner, the total tax refund due to Mr. Turner is \$38,073.06 (a difference of \$6,487.06 from the approved refund).

**MOTION** by Commissioner von Hanstein, Seconded by Commissioner Kurtz to approve the December 05th, 2023 BOC Minutes with the following amendment: amend the motion for Turner tax refund amount from \$31,586.00 to \$38,073.06 which includes additional refund for tax year 2023. Motion Passed Unanimously.

**APPROVAL OF ALCOHOLIC BEVERAGE LICENSES FOR THE FOLLOWING BUSINESSES:**

- 1) Fairplay Express
- 2) Rainbow Food Mart
- 3) Golden Pond Valero
- 4) Apalachee Mart
- 5) The Pit Stop
- 6) Sandhu Food Mart
- 7) The General Store
- 8) The River Store
- 9) Blue Springs Marina

**MOTION** by Commissioner von Hanstein, Seconded by Commissioner Harris to approve the alcohol license applications for 2024 as listed above. Motion Passed Unanimously.

**TRANSIT EXPANSION**

Social Circle is discontinuing its 5311 services. Morgan County has been asked to take over the transportation in this area at no extra cost to Morgan County Citizens. Transit Director, Stephanie Martin has amended the requested 5311 budget contract for FY25 to include the additional cost and State reimbursements to add the area. GDOT has also asked Morgan County to extend services to Oconee County and Jasper County residents (they have no current Transit Services). Including these counties will not be any additional cost to Morgan County. This expansion will benefit Morgan County residents by extending the service area and how often we can provide trips into those areas. Service hours will stay the same.

**MOTION** by Commissioner McCormack, seconded by Commissioner Harris to approve the expansion into Social Circle/Monroe, Jasper, and Oconee contingent on receiving the applicable funds tied to the program. 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**

Rutledge resident, JoEllen Artz commented on the Form Based Design Standards.

**COMMISSIONER COMMENTS**

Commissioners made comments and gave updates on Liaison assignments.

**MOTION** by Commissioner McCormack, seconded by Commissioner Kurtz to exit regular session at 11:45 a.m. Motion Passed Unanimously.

**EXECUTIVE SESSION- PERSONNEL**

**MOTION** by Commissioner McCormack, seconded by Commissioner Kurtz to enter Executive Session to discuss personnel at 11:50 a.m. Motion Passed Unanimously. (Original signed Affidavit in Executive Session Legal Requirement Book).

**MOTION** by Commissioner von Hanstein, seconded by Commissioner McCormack to exit Executive Session and adjourn at 2:17 p.m. Motion Passed Unanimously.

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Ben Riden, Jr., Chairman

ATTEST:

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Leslie Brandt, County Clerk