



MORGAN COUNTY COMMISSION
A G E N D A
September 03, 2024
10:00 AM
150 East Washington Street, Madison, GA
2nd Floor Board Room

Pledge and Invocation

Agenda Approval

Minutes

1. August 20, 2024 BOC Meeting

Planning Commission Unfinished Business

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

New Business

3. Appeal of the Planning Director's denial of the Lanford & Company, Inc. sign application
4. Approval of Title VI and the ADA Plans for Transit
5. County Manager Report
6. Public Comments on Agenda Items
7. Commissioner Comments

Immediately following the BOC Meeting the Commissioners will attend the Morgan County AG Authority Planning Meeting @ 2380 Athens Hwy., Madison, GA 30650

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 Philipp von Hanstein, Donald Harris, and Ben Riden Jr.

STAFF: County Manager Adam Mestres, Assistant County Manager Mark Williams, County Attorney Christian Henry, and County Clerk Kim Cox

The meeting was called to order at 5:00 p.m., followed by the Pledge of Allegiance and Invocation.

AGENDA APPROVAL

Motion by Commissioner McCormack, Seconded by Commissioner Harris to approve the agenda as presented. Motion passed Unanimously.

Minutes

August 20, 2024, BOC Meeting

Motion to approve by Commissioner Riden, Seconded by Commissioner Harris to approve the minutes as presented. Motion passed Unanimously.

Farmland Protection Advisory Board Bylaws

On July 16, 2024, the BOC Approved 2024-RES-006, the Creation of Farmland Protection Program. The follow-up action item was to approve the advisory board bylaws. A draft copy was presented on July 16, 2024. At the August 6, 2024, meeting several modifications were requested. The revised version that was presented incorporates all modifications requested by the Board of Commissioners.

Motion to adopt the Morgan County Farmland Protection Advisory Board Bylaws as presented by Commissioner McCormack, Seconded by Commissioner Riden to approve the agenda presented. Motion passed Unanimously.

Agriculture Conservation Easement Program Funding Request for Malcom Farms

On July 16, 2024, the BOC approved the 2024-RES-006 Creation of Farmland Protection Program. This resolution provides a path for the BOC to award funding for ACEP applicants. The request presented for consideration is for Malcom Farms for \$110,00.00.

Christine McCauley Watts with the Madison-Morgan County Conservancy presented the proposed request. Wynn Howard also commented on the presented maps.

Motion to approve the ACEP funding request for Malcom Farms for not exceeding \$110,000 to be payable in the FY26 fiscal year by Commissioner Riden, seconded by Commission McCormack. Motion passed Unanimously.

National EMS Ambulance Agreement

The county's previous agreement with National EMS had several amendments over the years. With the addition of the 12-hour ambulance on July 1, 2024, all parties thought it was in their best interest to create a new agreement for the current operation.

The services to be provided under the terms of this Agreement shall begin at 12:01 A.M. the 1st day of July 2024 and shall be for three (3) years, ending no later than 12:00 A.M. the 31st day of June 2027.

Motion to ratify the agreement for paramedic ambulance services and the non-appropriation addendum presented by Commissioner Riden, Seconded by Commissioner Harris. Motion passed Unanimously.

Software package for Planning and Development, Code Enforcement

Chuck Jarrell and his team have chosen OpenGov software after months of evaluation and vetting solutions for a comprehensive software solution for the Planning and Development—Code Enforcement departments.

Motion to approve the agreement with OpenGov contingent upon legal review for a 1-year cost not to exceed \$70,151.04 (subscription and implementation) and amend the budget to move \$30,151.04 from contingency to planning and development/code enforcement by Commissioner McCormack, Seconded by Commissioner Harris. Motion passed Unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS

No public comments were made.

COMMISSIONER COMMENTS

Commissioners made comments and gave updates on liaison assignments.

MOTION by Commissioner Kurts, Seconded by Commissioner Harris, to exit the regular session and adjourn at 6:07 p.m.. Motion Passed Unanimously.

Bill Kurtz, Chairman

ATTEST:

Kim Cox, County Clerk



MORGAN COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date: mm/dd/yyyy

Type of Request:

Wording for the Agenda:

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

Background/History/Details:

July 2, 2024 the Board of Commissioners tabled the request from Wes Bancroft, on behalf of Towers, LLC for a new cell tower to be located on 149.6 acres located on Paxon Dairy Road (Tax Parcel 007-026). Neither the applicant nor the opposition was at the BOC meeting.

June 27, 2024 the Planning Commission heard the application request for the subject property. Staff presented the staff report to the Planning Commission and noted that the application was almost identical to an application approved in 2020. The 2020 approved tower was not constructed within the time frame allowed by the ordinance and the approval expired.

The applicants representative spoke in favor of the request and agreed to the staff conditions that a engineered analysis and landscaping plan submittal with the building permit application.

John and Tricia Bostwick spoke in opposition to the application, stating that the proposed tower location would be adjacent to their future home place, in which they have already invested.

The Planning Commission recommended denial of the application by a vote of 8-0, with the recommendation to the BOC to recommend to the applicant to investigate relocating the tower across Paxson Dairy Road or elsewhere on the subject property.

August 6, 2024 - The applicant requested the item to be deferred until the September 3, 2024.

August 28, 2024 - Received notice from the applicants attorney, stating they needed more time to gather the information requested. He ask that the item be deferred until the October 1, 2024 BOC meeting.

What action are you seeking from the Board of Commissioners?

The applicant has requested that the application be tabled/deferred until the October 1, 2024 BOC meeting to give them time to address the information requested. See attached Email chain.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Approved by Purchasing

Manager's Approval

Staff Notes:

From: [Cadle, Ivy](#)
To: [Chuck Jarrell](#)
Cc: [Rotenstreich, Andy](#); [Christian G. Henry Esq. \(chenry@hallboothsmith.com\)](#)
Subject: Hearing Deferral Request for Proposed Tower on Paxon Dairy Road
Date: Wednesday, August 28, 2024 5:31:22 PM

Director Jarrell,

I've called a few times this week and we have not been able to connect. Consistent with my messages, my client will need additional time to gather the RF data for the application. Hence, I'm writing to ask for an extension of 30 days. If you can let me know if that extension is granted and what the next hearing date might be, I would appreciate it.

Best,
Ivy

[Ivy Cadle, Esq. CPA CRE | Baker Donelson | 404-956-3233](#)

From: Chuck Jarrell <cjarrell@morgancountyga.gov>
Sent: Thursday, August 1, 2024 12:49 PM
To: Cadle, Ivy <icadle@bakerdonelson.com>
Cc: Rotenstreich, Andy <arotenstreich@bakerdonelson.com>; Christian G. Henry Esq. (chenry@hallboothsmith.com) <chenry@hallboothsmith.com>
Subject: RE: Hearing Deferral Request for Proposed Tower on Paxon Dairy Road

Mr. Cadle,

I will remove the application from the August 6th Board of Commissioners meeting and place it on the September 3rd meeting.

Best,

Chuck Jarrell
Director
Morgan County Planning and Development
Post Office Box 1357
150 East Washington Street, Suite 200
Madison, Georgia 30650
cjarrell@morgancountyga.gov
Office: (706) 342-4373

From: Cadle, Ivy <icadle@bakerdonelson.com>
Sent: Wednesday, July 31, 2024 5:52 PM
To: Chuck Jarrell <cjarrell@morgancountyga.gov>
Cc: Rotenstreich, Andy <arotenstreich@bakerdonelson.com>; Christian G. Henry Esq. (chenry@hallboothsmith.com) <chenry@hallboothsmith.com>
Subject: RE: Hearing Deferral Request for Proposed Tower on Paxon Dairy Road

Chuck,

To follow up on this, we would ask to be deferred until the first meeting in September so we can have time to respond to the various things you and I discussed.

Best,
Ivy

Ivy Cadle, Esq. CPA CRE | Baker Donelson | 404-956-3233

From: Cadle, Ivy
Sent: Wednesday, July 31, 2024 4:12 PM
To: Chuck Jarrell <cjarrell@morgancountyga.gov> <cjarrell@morgancountyga.gov>
Cc: Rotenstreich, Andy <arotenstreich@bakerdonelson.com>; Christian G. Henry Esq. (chenry@hallboothsmith.com) <chenry@hallboothsmith.com>
Subject: Hearing Deferral Request for Proposed Tower on Paxon Dairy Road

Mr. Jarrell,

Thank you for speaking with me several times today. I appreciate it.

As we discussed, I'm writing to request a deferral. To that end, I ask that the hearing on the remaining questions for the conditional use application for a telecommunications tower on Tax Parcel 007 026, near the intersection of Paxon Dairy Road and Price Mill Road, be deferred until the next meeting of the Morgan County Commissioners.

I appreciate your consideration of this request and I look forward to hearing from you tomorrow morning when you return to the office.

Best,
Ivy

Ivy N. Cadle, Esq. CPA CRE
Office Managing Shareholder
62nd President of the State Bar of Georgia
BAKER DONELSON

3414 Peachtree Road, N.E.
1500 Monarch Plaza
Atlanta, Georgia 30326
404-956-3233
E-Mail: icadle@bakerdonelson.com
www.bakerdonelson.com

577 Mulberry Street
Fickling Building, Suite 1420
P.O. Box 5047
Macon, Georgia 30128-5047

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Texas, North Carolina, and Washington, D.C.

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MORGAN COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date: mm/dd/yyyy

Type of Request:

Wording for the Agenda:

Background/History/Details:

Mr. Lanford submitted a sign application on July 9, 2024 for a digital billboard to be install on Eatonton Highway on the Ace Hardware property. The application was reviewed by Tara Cooner, Senior Planner, for compliance with the Morgan County Zoning Ordinance as it applies to "Signs". Ms. Cooner recommended denial of the application based on the following criteria:
1. Sign application was for a digital billbaord. Section 17.3 number 2 prohibits digital signs.
2. The application for a billboard did not meet the critria under Section 17.6 number 4. d, e, g, and k.

Planning Director, agreed with the recommendation of denial of the sign application based on the languauge of the oridance.

What action are you seeking from the Board of Commissioners?

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Approved by Purchasing

Manager's Approval

Staff Notes:

FORTSON, BENTLEY AND GRIFFIN, P.A.

ELBERT N. WHITMIRE, III, C.P.A.
G. MARCUS HODGE (GA & SC)
DAVID K. LINDER
ROY E. MANOLL, III
WALTER W. HAYS, JR.
MICHAEL J. MCCLEARY
V. KEVIN LANG
TREVOR T. JONES (GA & AL)
DAVID F. ELLISON
WADE A. SCHUENEMAN
GREGORY O. DEBACKER
PARKER C. MORGAN
KELLY B. ETHELLES
ELINORE R. YOUNG

ATTORNEYS AT LAW
2500 DANIELL'S BRIDGE ROAD
BUILDING 200, SUITE 3A
ATHENS, GEORGIA 30606
(706) 548-1151

CHRISTOPHER W. COLLINS
EMILY K. ESCOE
JOHNELLE SIMPSON, II
HANNA C. SCHERER

UPSHAW C. BENTLEY, JR.
(1924 - 2013)
EDWIN B. FORTSON
(1913-2007)
JOHN E. GRIFFIN
(1923-2002)
HERBERT T. HUTTO
(1933-1998)

August 5, 2024

VIA FEDERAL EXPRESS Tracking Number: 7777 9883 4970

Chuck Jarrell
Director, Planning and Development
150 E Washington Street, Suite 200
Madison, Georgia 30650
AND EMAIL: cjarrell@morgancountyga.gov

RE: ***Appeal of Denial of Lanford & Company, Inc.'s Sign Application***

Dear Mr. Jarrell:

Our firm represents Lanford & Company, Inc. ("Lanford") and I send this correspondence to appeal Morgan County's denial of its sign permit application for 2260 Eatonton Highway to the Board of Commissioners pursuant to Section 17.2.5 of Morgan County's Code of Ordinances. This appeal is timely as the County denied Lanford's application on July 9, 2024. Although no fees are listed in the sign ordinance, my client is tendering a check in the amount of \$300 to pay for any filing fees out of an abundance of caution. Lanford appeals the denial of its sign application because the denial of this application unlawfully restricts Lanford's speech in violation of the United States and Georgia Constitution.

Since there can be no doubt that Lanford has the right to engage in commercial speech in Morgan County, the validity of these ordinances turns on whether (1) the County has a substantial interest in limiting Lanford's speech; (2) the ordinances directly and materially advance those interests; and (3) the extent of the restrictions on Lanford's speech are reasonably proportional to the County's interests. See e.g., Central Hudson Gas & Elec. Corp. v Public Serv. Comm., 447 U.S. 557 (1980). These ordinances must be "narrowly tailored to serve a significant government interest." Coffey v. Fayette Cnty., 279 Ga. 111, 111-12 (2005). Any restrictions "regulating speech must be a last—not first—resort," and the County has the burden of justifying any restrictions on Lanford's First Amendment rights. Thompson v. W. States Med. Ctr., 535 U.S. 357,

373 (2002). Since the Georgia Constitution provides even broader protection than the United States Constitution's First Amendment, the County must "adopt the least restrictive means of achieving its goals." Coffey v. Fayette Cnty., 279 Ga. 111, 111-12 (2005). "Under this test, a government must draw its regulations to suppress no more speech than is necessary to achieve its goals." Id.

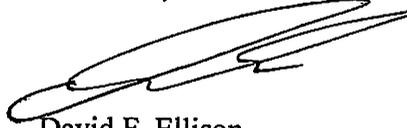
Lanford seeks a permit to install a digital sign identical to the County's digital sign located on Bill Wood Park. The digital sign located on the County's property would be prohibited by Section 17.3 of the County's ordinances and violates other restrictions listed in Section 17.4, 17.5, and 17.7 of the County's sign ordinances. Lanford's application was recently denied for failure to comply with these ordinances but the County's own digital sign violates these same ordinances. The fact that the County maintains a digital billboard prohibited by its own ordinances demonstrates that the County has no substantial interest in restricting Lanford's speech and confirms that the County is unable to "demonstrate that the harms it recites are real and that its restriction will in fact alleviate them to a material degree." Rubin v. Coors Brewing Co., 514 U.S. 476, 486-87 (1995). As these ordinances were not enacted to implement a substantial governmental purpose and are not the least restrictive means of achieving its goals, the County's denial of Lanford's application would violate the constitutional protections afforded commercial speech under the United States and Georgia Constitution. See Tinsley Media, LLC v. Pickens Cnty., GA, 203 F. App'x 268, 274 (11th Cir. 2006)

Lanford must also point out that ordinance and the county's use of the digital billboard at Bill Wood Park cannot be justified on grounds that the County uses the sign to advertise upcoming events and public safety messages or that the sign only offers "sponsorships" rather than advertisements because this rationale would impermissibly restrict the content of Lanford's speech. See e.g. Union City Bd. of Zoning Appeals v. Just. Outdoor Displays, Inc., 266 Ga. 393 2 (1996). Even a facially content neutral ordinance is invalid if "an impermissible purpose or justification underpins a facially content-neutral restriction" or if the restriction would not apply "evenhandedly" to all who wished to construct digital signs. See City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC, 596 U.S. 61, 76 (2022). The fact that the County would allow public advertisements or "sponsorships" on a digital billboard while prohibiting private advertisements is a thinly veiled attempt to "keep people in the dark for what the government perceives to be their own good." Folsom v. City of Jasper, 279 Ga. 260, 261 (2005). "Accordingly, this kind of restriction on speech will "rarely survive constitutional review." Id.

In light of the foregoing, Lanford demands that the County approve Lanford's sign application and issue a permit for the digital sign. Not only would denial unlawfully restrict Lanford's constitutionally protected right of speech, but denial would deny my client due process of the law and violate the equal protection clause of the United States and Georgia constitution.

Sincerely,

FORTSON, BENTLEY AND GRIFFIN, P.A.



David F. Ellison

DFE/mtn

Article 17 Signs

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Chapter 17.1 Purpose and Intent

Section 17.1 Purpose and Intent

The Morgan County Board of Commissioners finds that signs provide an important medium through which individuals convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the county's overall public welfare as an aesthetic nuisance. By enacting this ordinance, the Morgan County Board of Commissioners intend to:

1. Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
2. Protect the public health, safety and welfare;
3. Reduce traffic and pedestrian hazards;
4. Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
5. Promote economic development; and
6. Ensure the fair and consistent enforcement of sign regulation.

Section 17.2 Permits Required

All signs allowed by this ordinance, except for those exempted from obtaining a permit, shall require a permit issued by the county prior to posting, displaying, substantially changing or erecting a sign in the unincorporated county.

Section 17.2.1 Application Information

Applications for sign permits required by the ordinance shall be filed by the sign owner, or the owner's agent, with the Office of Planning and Development. The application shall describe and set forth the following:

1. The street address of the property upon which the sign is to be located and a site plan of the property, drawn to scale by a design professional, showing all existing structures, including existing signage and which shows the proposed location of the sign with dimensions to property lines and right(s)-of-way;
2. A list of all signs on the parcel with square footage of each sign;
3. The name(s), address(es), phone number(s) and email address(es) of all owners of the real property upon which the subject sign is to be located;
4. Name, address, phone number and email address of the sign contractor;
5. The type of sign to be erected, dimensions of the sign, calculated area of the sign, the height of the sign, description of materials to be used, description of illumination to be used, and explanation of how the sign will be mounted or erected. If a sign is a box or panel, the total area of the background is included in the sign area calculation. If the sign consists of individual

letters, the area of the sign shall be measured by the area of the smallest rectangle which encloses all letters.

Section 17.2.2 Review and Notification

Review of an application deemed to be complete by the Planning and Development Office and notification to the applicant of either approval or denial shall in no case extend for a period of time exceeding thirty (30) days from the date of the Planning and Development Office's receipt of the completed application. Notification to the applicant shall be made by email to the address provided on the application. Should the process exceed forty five (45) days, it shall be deemed that the application is approved and the Planning and Development Office shall issue a permit to the applicant. Issuance of a permit shall in no way prevent the County from later declaring the sign to be illegal if the structure fails to substantially comply with the specifications submitted in the application or some new information of illegality is discovered.

Section 17.2.3 Fees

A fee, as set by the Morgan County Board of Commissioners, shall accompany a sign permit application.

Section 17.2.4 Permit Expiration

A sign permit shall become null and void if the sign for which the permit was issued has not been completed in accordance with the permit application within six (6) months after the date of issuance. No refunds will be made for permit fees paid for permits that have expired due to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be processed, and another fee paid in accordance with the fee schedule applicable at the time.

Section 17.2.5 Denial, Revocation and Suspension

1. The Planning Director shall deny all applications for signs that do not comply with this ordinance. Written notification to the applicant listing the reasons for denial shall be provided as set forth above.
2. Revocation of permits or certificates: The Planning Director may revoke a sign permit or Certificate of Completion where an administrative determination has been duly made that false statements or misrepresentations existed as to material facts in the application or plans upon which the permit of approval was based.
3. Suspension of permits: The Planning Director may suspend a sign permit where an administrative determination has been duly made that an error or omission on the part of either the permit applicant or a government agency existed in the issuance of the permit. A new or corrected permit shall be issued in place of the incorrect permit after correction of the error or omission.

4. Appeals: Any individual whose application has been denied or revoked may appeal the decision to the Morgan County Board of Commissioners within thirty (30) days of notification of denial or revocation. Once an applicant has notified the County of their intent to appeal, a hearing will take place within ninety (90) days of the appeal being filed with the County Clerk. If a hearing cannot take place within the ninety (90) day limit, then the appeal is determined in favor of the applicant.

Section 17.2.6 Signs that Require No Permit

The following types of signs shall be exempt from the permit requirements of Section 17.2 and shall not count towards the maximum aggregate sign area limits provided in this ordinance.

1. Numerals displayed for the purpose of identifying property location not to exceed 8" in height;
2. Window signs, on the interior of the window, installed for the purposes of viewing from outside the premises. However, such signs shall not exceed thirty (30) percent of the available window space, per window;
3. Door signs not to exceed one (1) square foot in size and not more than two (2) signs per door;
4. Temporary signs, no larger than twenty four (24) square feet, for a period not to exceed sixty (60) days within each calendar year. Signs constructed of permanent materials shall not qualify as temporary signs. Temporary signs must be located on private property.
5. Seasonal displays that are erected for a maximum period of sixty (60) days no more than twice a year;
6. Signs posted by authorized government officials in the strict performance of their official duties on public land or right-of-way;
7. Signs not legible from public thoroughfares, including trails and walkways, or signs within a business, office, building, or other enclosed area that are not visible from other parcels.
8. See Section 17.4 for exemption of signs in residential and agricultural districts.

Section 17.3 Prohibited Signs

The following types of signs are prohibited throughout the unincorporated county:

1. Animated or flashing signs;
2. Digital signs, except for one, two-sided, monument sign, limited to numerical display, at fuel stations;
3. Rotating signs, or any sign which requires either natural or artificial wind current for motion or gives the appearance of movement;
4. Portable signs. Signs attached to or painted on vehicles which prevent the vehicle from being used for its intended purpose and signs that are painted on trailers, storage vans, or any similar pull-behind apparatus and that are legible from the public right-of-way are also considered portable signs.
5. Signs painted on non-working vehicles or manufactured buildings and are visible from the public right-of-way;

6. Vehicles, replicas of vehicles or trailers elevated on poles, installed on rooftops, or otherwise mounted
7. Signs that contain words, pictures or statements which are obscene, as identified in the Official Code of Georgia Annotated § 16-12-80.
8. Search lights, beacons or similar devices;
9. Roof signs;
10. Pennants, streamers, and feather signs;
11. Attention-getting devices, including but not limited to balloons (including all inflatable air signs and lights), shall not be used to attract attention to any sign or business.
12. All signs attached to light poles, power poles, fences, or trees;
13. Signs on the public right-of-way other than publicly owned or maintained signs;
14. Wall signs in residential districts;
15. Window signs that are illuminated, see Section 17.6;
16. Signs which simulate an official traffic control or warning signal or hide from view any traffic or street sign, signal or public service sign;
17. Signs which emit or utilize, in any way, sound or smoke;
18. Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
19. Signs on dilapidated or abandoned buildings;
20. Signs that impede doors, windows or fire escapes;
21. Any signs with lighting that shine onto roadways, are directed to potentially cause a distraction or hazard to drivers, or trespasses onto neighboring properties used residentially.

Section 17.4 Restrictions in Residential and Agricultural Zoning Districts

Other than subdivision entrance signs allowed in this ordinance, parcels located in residential and agricultural zoning districts shall not contain signs having an aggregate sign area greater than twenty-four (24) square feet. No individual sign shall exceed six (6) square feet in sign area in a residential or agricultural zoning district. Sign structure is limited to post and frame construction. Signs having a height greater than four (4) feet above grade shall not be located in a residential or agricultural zoning district. All signs must be a minimum of ten (10) feet from the road right-of-way. Signs in residential or agricultural zoning districts shall not have lighting. Signs meeting the standards of this Section are exempt from permitting requirements.

Section 17.5 Residential Subdivision Entrance Signs

Platted residential subdivisions consisting of more than 6 parcels may erect one monument sign at each entrance to the subdivision. Such sign shall not exceed a height of six (6) feet above grade level and shall not have a sign area greater than twenty five (25) square feet nor a sign structure greater than fifty (50) square feet. Residential subdivision entrance signs may be externally illuminated and must be located a minimum of ten (10) feet from the road right-of-way. Such entrance signs shall not count towards the maximum allowable signage on a residential parcel.

Section 17.6 Restrictions in Non-Residential, Non-Agricultural Zoning Districts

1. No sign shall be located within thirty (30) feet of the intersection of street right-of-way lines extended.
2. No signs shall be located on any building or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this ordinance.
3. One illuminated window sign is allowed, providing the sign takes no more than 15% of the single available window space where located. Total window space available shall not be used in the percentage calculation.
4. Billboard Signs: All distance measurements shall be made horizontally in all directions from the nearest edge of the billboard sign structure.
 - a. Billboard signs shall only be located on parcels in commercial or industrial zoning districts, except C1 and mixed use districts.
 - b. Billboard signs shall only be located on parcels adjacent to designated state, US or Interstate numbered highways, shall be oriented towards those highways, and shall be within six hundred sixty (660) feet of those highways.
 - c. No billboard sign may be located within five thousand (5000) feet of another billboard sign.
 - d. No billboard sign shall be within five hundred (500) feet of a zoning district where billboard signs are not allowed.
 - e. No billboard sign shall be located within five hundred (500) feet of an interchange or intersection.
 - f. No billboard sign shall be located within five hundred (500) feet of a public park, public playground, public recreation area, public forest, scenic area or cemetery.
 - g. The area of the sign structure shall not exceed seventy-two (72) square feet, including a sign face no greater than fifty-five (55) square feet in area, nor shall the sign exceed ten (10) feet in height, except that billboards within six hundred sixty (660) feet of Interstate 20 may be up to four hundred forty (440) square feet in area and up to thirty (30) feet in height.
 - h. All portions of the billboard must be located on a property in accordance with the front, side and rear yard setbacks of the zoning district where it is located.
 - i. Billboard signs located near Interstate 20 interchanges shall be limited to one billboard sign in each quadrant of the interchange.
 - j. No billboard shall be located on, over, or within twenty (20) feet of, any building.
 - k. No billboard can be digital or have moving parts. Billboards may be externally lit, provided lights are not a potential distraction or hazard to drivers.
5. Monument signs
 - a. Unless otherwise provided herein, lots located in a non-residential and non-agricultural zoning district containing a single business shall be allowed no more than one (1) monument sign per road frontage. The sign shall not exceed forty (40) square feet in area or six (6) feet in height, and must be a minimum of five (5) feet from the road-right-of-way. Sign structure is limited to sixty (60) square feet. Such signs may be internally or externally illuminated.

- b. Unless otherwise provided herein, lots located in non-residential and non-agricultural zoning districts which contain two (2) or more businesses shall be allowed no more than one (1) monument sign per road frontage. The sign face shall not exceed sixty (60) square feet in area or six (6) feet in height. Individual business names are included in the total square footage. Sign structure is limited to ninety (90) square feet. Such signs may be internally or externally illuminated.
 - c. Signs as part of a drive-thru or drive-in facility, not legible from the traveling public, shall not exceed six (6) feet in height. Such signs may be internally or externally illuminated.
6. Wall Signs
- a. Wall signs shall be placed on the primary structure only.
 - b. Wall signs must be attached safely and securely to the building wall, subject to inspection by the Building Official.
 - c. Wall signs shall not exceed more than forty (40) square feet and may be internally or externally illuminated.
 - d. Wall signs may not project above a parapet wall.
 - e. Each building or tenant shall be limited to one wall sign on each street facing wall.
 - f. Awning graphics are allowed in lieu of a wall sign but cannot cover more area than would be allowed for a wall sign. Awning signs may be externally illuminated.
 - g. Mural graphics are allowed in lieu of a wall sign but cannot cover more area than would be allowed for a wall sign. Mural graphics may be externally illuminated.
7. Suspended and projecting Signs
- a. In multi-tenant commercial or office buildings, in addition to all other permitted signs, one (1) non-illuminated, suspended or projecting sign may be used to identify the location of each tenant's premises above a sidewalk. Such signs shall not exceed three (3) square feet and must maintain a minimum of seven (7) feet clearance from the walkway below.
 - b. Projecting signs may be used in lieu of wall signs as primary wall signage, but cannot cover more area than would be allowed for a wall sign. Such projecting signs may be internally illuminated and must maintain a minimum of ten (10) feet above finished grade.
8. Canopy Signs
- a. At fuel stations where a canopy is erected over fuel pumps, signs may be placed on three (3) sides of the canopy. The signs are limited to the height and width of the canopy apron and may be internally illuminated. The three (3) canopy signs shall be considered one sign for permitting purposes. Digital signage is not allowed on canopies.

Section 17.7 Non-Residential Uses in Residential and Agricultural Zoning Districts

Non-residential uses may be approved for Residential or Agricultural Zoned properties. Such uses include but are not limited to churches, schools and farmer's markets. Such uses shall not have suspended or projecting signs, but may follow the regulations for monument and wall signs provided in this ordinance for non-residential and non-agricultural uses.

Section 17.8 Construction Standards

All signs for which a permit is required under this ordinance shall be constructed and maintained in accordance with the provisions of the building code and shall require inspections for both the sign installation and any associated electrical.

Section 17.9 Nonconforming Signs

A sign for which a permit was issued which was in existence prior to the adoption of this ordinance or which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but by reason of its size, height, location, design or construction is not in conformance with this ordinance, shall be considered a nonconforming sign .

1. No change in shape, size or design shall be permitted except to make a non-conforming sign comply with all requirements of this ordinance;
2. No nonconforming sign can be replaced with another nonconforming sign.
3. No structural repairs shall be permitted except to make a nonconforming sign comply with all requirements of this ordinance;
4. Nonconforming signs shall be permitted until one (1) of the following conditions occur:
 - a. The deterioration of the sign or damage to the sign makes it a hazard or unsightly, in the determination of the county;
 - b. The sign has been damaged by circumstances beyond the control of the owner to the extent that more than minor repairs are required to restore the sign; provided that signs damaged by Acts of God and not due to the owner's action may be restored to their pre-damaged condition provided the useful life of the sign is not extended.

Section 17.10 Flags

The official flag of the United States of America shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Regulations for the U.S. flag apply to the Georgia state flag.

Each residential or agricultural zoned parcel may display no more than three (3) flags that shall not count toward the sign area limits provided in this ordinance. The flagpole shall not exceed twenty-five feet (25') in height and the flag shall be no larger than thirty-two (32) square feet. Flagpoles must be a minimum of ten (10) feet from the road-right-of-way. A sign permit shall not be required.

Commercial or industrial zoned properties may display no more than three (3) flags that shall not count toward the sign area limits provided in this ordinance. A sign permit shall be required.

1. If located anywhere other than on a US or State highway, flags must meet the following requirements:
 - a. Flagpoles shall be a minimum of forty (40) feet in height with a maximum flag size of sixty (60) square feet;

- b. Flagpoles must be a minimum of fifty (50) feet from all property lines;
 - c. Road frontage for the commercial or industrial business must meet the minimum for the zoning district.
2. If located on a US or State highway, flags must meet the following requirements:
 - a. Flagpoles shall be a maximum of sixty (60) feet in height with a maximum flag size of one hundred fifty (150) square feet;
 - b. Flagpoles must be a minimum of seventy-five (75) feet from any property line;
 - c. Road frontage for the commercial or industrial business must be a minimum of two hundred fifty (250) feet;
 - d. Any commercial or industrial parcel on a US or State highway that cannot meet all of these requirements must follow the regulations for a commercial or industrial parcel that is not on a US or State highway.

Section 7.11 Art

Art may be used as signage in Residential, Agricultural and Non-Residential Zoning Districts with the following stipulations:

Section 7.11.1 Art in Non-Residential and Non-Agricultural Zoning Districts

1. Bas-relief or metalwork art may be used in lieu of wall signage but cannot cover more area than would be allowed for a wall sign and may be externally illuminated.
2. Bas-relief, metalwork or freestanding art may be used in lieu of monument signage but cannot exceed the height restrictions for monument signage nor more than 54 cubic feet. Such art may be externally illuminated.
3. Art used as signage must have rounded edges without protruding pieces. Art shall not project into walking areas nor pose a hazard to pedestrians.
4. All art used as signage must be permitted and inspected to confirm the art is appropriately anchored.
5. Art in Non-Residential Zoning Districts that is not used in lieu of signage, but is used for decoration or expression, must receive Conditional Use approval prior to installation.

Section 7.11.2 Art in Residential and Agricultural Zoning Districts

1. Bas-relief, metalwork or freestanding art may be used in lieu of monument signage but cannot exceed the height restrictions for monument signage nor more than 16 cubic feet.
2. Bas-relief or freestanding art used as decoration or expression is limited to five (5) feet in height and must be 40 feet from any property line.
3. Sheet metalwork art used as decoration or expression is limited to six (6) feet high and must be 40 feet from any property line.
4. Historical signs or reproductions of historic signs (examples are quilt, soda and gas station signs) are allowed on accessory buildings and are not limited in size and number.

5. Antique farm equipment may be displayed in AG or AR Zoning Districts only.
6. Art in Residential and Agricultural Zoning Districts shall not be illuminated.

Section 7.11.3 Art Restrictions in All Zoning Districts

1. Art which contains pictures, words or statements which are obscene, as defined by OCGA §16-12-80 is prohibited in all zoning districts.
2. Wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicles shall not be displayed as art or used as agricultural planters.
3. Art that is mechanized, makes noise or emits smoke or steam is prohibited in all zoning districts.

Section 7.12 Removal of Unlawful or Dangerous Signs

1. The county may order the removal of any sign in violation of this ordinance by written notice to the property owner. If a permit has been issued, such notice shall operate to revoke the permit.
2. If the sign is not removed within thirty (30) days after the order of removal (or 30 days after the date of any appeal becomes final), the county shall remove or cause to be remove the sign and collect the cost thereof as provided below.
3. The county shall remove any sign in violation of this ordinance , without giving notice to any party, if:
 - a. Said sign is upon the public right-of-way or upon public property; or
 - b. Said sign poses an immediate safety threat to the life or health of any member of the public.
4. Following such removal or repair, the county may collect the costs as set by the Morgan County Board of Commissioners for any reclaimed signs. Signs not claimed will be destroyed after fourteen (14) days. Morgan County is not liable for damage incurred during the removal of unlawful or dangerous signs.

Section 7.13 Enforcement and Penalties

1. All signs shall be maintained in good condition as to present a neat and orderly appearance. The County may, after due notice, issue a citation to any sign owner for any sign that becomes dilapidated.
2. The County may issue a citation for violation of this ordinance by any sign erected, altered, converted or used in violation of this ordinance.
3. Violations of this ordinance shall be handled in accordance with the procedures set forth in Chapter 2.17 of the Morgan County Zoning Ordinance.



MORGAN COUNTY PLANNING AND DEVELOPMENT

Post Office Box 1357
150 East Washington Street, Suite 200
Madison, Georgia 30650
Office (706) 342-4373 – Fax (706) 343-6455

Staff Report

Request: Appeal of the Planning Director's denial of the Lanford & Company, Inc. sign application

Request Summary

The letter requesting an appeal dated August 5, 2024, (attached), states: “Lanford appeals the denial of its sign application because the denial of this application unlawfully restricts Lanford’s speech in violation of the United States and Georgia Constitution.”

The letter goes on to state: “Lanford seeks a permit to install a digital sign identical to the County’s digital sign located on Bill Wood Park.”

They reference Sections 17.3, 17.4, 17.5 and 17.7 that the County violated when the sign was installed at Bill Wood Park.

In summary the letter states: “Lanford demands that the County approve Lanford’s sign application and issue a permit for the digital sign.”

Staff Findings

Mr. Lanford submitted a sign application on July 9, 2024, for a digital billboard to be install on Eatonton Highway on the Ace Hardware property. The application was reviewed by Tara Cooner, Senior Planner, for compliance with the Morgan County Zoning Ordinance as it applies to "Signs". Ms. Cooner recommended denial. Planning Director, Chuck Jarrell, agreed with the recommendation of denial of the sign application based on the language of the ordinance.

The basis of denial of the application based on the following sections of the ordinance:

1) Sign application was for a digital billboard. Section 17.3 number 2, prohibits digital signs.

Section 17.3 Prohibited Signs

The following types of signs are prohibited throughout the unincorporated county:

1. Animated or flashing signs;
- 2. Digital signs, except for one, two-sided, monument sign, limited to numerical display, at fuel stations;**
3. Rotating signs, or any sign which requires either natural or artificial wind current for motion or gives the appearance of movement;
4. Portable signs. Signs attached to or painted on vehicles which prevent the vehicle from being used for its intended purpose and signs that are painted on trailers, storage vans, or any similar pull-behind apparatus and that are legible from the public right-of-way are also considered portable signs.
5. Signs painted on non-working vehicles or manufactured buildings and are visible from the public right-of-way.
6. Vehicles, replicas of vehicles or trailers elevated on poles, installed on rooftops, or otherwise mounted.
7. Signs that contain words, pictures or statements which are obscene, as identified in the Official Code of Georgia Annotated § 16-12-80.
8. Search lights, beacons or similar devices;

9. Roof signs;
10. Pennants, streamers, and feather signs;
11. Attention-getting devices, including but not limited to balloons (including all inflatable air signs and lights), shall not be used to attract attention to any sign or business.
12. All signs attached to light poles, power poles, fences, or trees;
13. Signs on the public right-of-way other than publicly owned or maintained signs;
14. Wall signs in residential districts;
15. Window signs that are illuminated, see Section 17.6;
16. Signs which simulate an official traffic control or warning signal or hide from view any traffic or street sign, signal or public service sign;
17. Signs which emit or utilize, in any way, sound or smoke;
18. Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
19. Signs on dilapidated or abandoned buildings;
20. Signs that impede doors, windows or fire escapes;
21. Any signs with lighting that shine onto roadways, are directed to potentially cause a distraction or hazard to drivers, or trespasses onto neighboring properties

2) The application for a billboard did not meet the criteria under Section 17.6 number 4. d, g, and k.

Section 17.6 Restrictions in Non-Residential, Non-Agricultural Zoning Districts

1. No sign shall be located within thirty (30) feet of the intersection of street right-of-way lines extended.
2. No signs shall be located on any building or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this ordinance.
3. One illuminated window sign is allowed, providing the sign takes no more than 15% of the single available window space where located. Total window space available shall not be used in the percentage calculation.
4. Billboard Signs: All distance measurements shall be made horizontally in all directions from the nearest edge of the billboard sign structure.
 - a. Billboard signs shall only be located on parcels in commercial or industrial zoning districts, except C1 and mixed use districts.
 - b. Billboard signs shall only be located on parcels adjacent to designated state, US or Interstate numbered highways, shall be oriented towards those highways, and shall be within six hundred sixty (660) feet of those highways.
 - c. No billboard sign may be located within five thousand (5000) feet of another billboard sign.
 - d. No billboard sign shall be within five hundred (500) feet of a zoning district where billboard signs are not allowed.**
 - e. No billboard sign shall be located within five hundred (500) feet of an interchange or intersection.**
 - f. No billboard sign shall be located within five hundred (500) feet of a public park, public playground, public recreation area, public forest, scenic area or cemetery.
 - g. The area of the sign structure shall not exceed seventy-two (72) square feet, including a sign face no greater than fifty-five (55) square feet in area, nor shall the sign exceed ten (10) feet in height, except that billboards within six hundred sixty (660) feet of Interstate 20 may be up to four hundred forty (440) square feet in area and up to thirty (30) feet in height.**
 - h. All portions of the billboard must be located on a property in accordance with the front, side and rear yard setbacks of the zoning district where it is located.
 - i. Billboard signs located near Interstate 20 interchanges shall be limited to one billboard sign in each quadrant of the interchange.
 - j. No billboard shall be located on, over, or within twenty (20) feet of, any building.
 - k. No billboard can be digital or have moving parts. Billboards may be externally lit, provided lights are not a potential distraction or hazard to drivers.**

Other code sections that are relevant to the application or was identified in the appeal letter.

Chapter 2.18 Non-applicability

No portion of this Zoning Ordinance shall apply to any land owned by the Morgan County Board of Commissioners.

Chapter 2.13 Refusal of Permits or Permissions

The Director of Planning and Development is hereby authorized and directed to deny, withhold, and revoke permits or permissions on any new project or application pursuant to this Ordinance or other ordinances of the County where the applicant, applicant's business, or agent has failed or refused to comply with this Ordinance.

Chapter 2.7 Administration and Interpretation

It shall be the duty of the duly appointed Director of Planning and Development to administer and interpret this Ordinance. To this end, the Director of Planning and Development is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this Ordinance, and to implement the provisions of this Ordinance. The Director of Planning and Development may delegate administrative functions, powers and duties assigned by this Ordinance to other staff as may be appropriate, without the need to reflect such delegation by formal action.

Section 2.8.1 Appeal from Director of Planning and Development

Any person or persons jointly or severally aggrieved by any decision of the Morgan County Director of Planning and Development shall have the right of appeal to the Morgan County Board of Commissioners if such appeal is in writing and filed with the Clerk or the Deputy Clerk of the Morgan County Board of Commissioners within thirty (30) days of the rendering of the decision. A decision is deemed "rendered" on the date that the Director of Planning and Development either hand delivers or mails a copy of his/her decision to the applicant, whichever occurs first. A decision is deemed mailed on the date of the postmark on the envelope containing the decision. An appeal is deemed filed with the Board of Commissioners when it is physically received by the Clerk or Deputy Clerk of the Board. Neither faxed nor emailed appeals are accepted. Appeals postmarked within thirty (30) days of the rendering of the decision but not physically received by the Clerk or Deputy Clerk within thirty (30) days are untimely (too late to be accepted). Appeals left at the Board of Commissioners' office after business hours are not accepted.

Chapter 3 - Definitions

Billboard: A freestanding sign that exceeds the maximum sign face or sign structure area permitted by right on a property under the provision of this Ordinance.

Double Faced Sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.

Freestanding Sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:

Pole Sign: A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.

Ground Sign: A freestanding sign in which the entire bottom of the sign face to structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign."

Illuminated Sign:

Illuminated Sign - Direct: Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face. Also referred to as an “internally-illuminated sign.”

Illuminated Sign - Indirect: Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure. Also referred to as an “externally-illuminated sign.”

Sign: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Sign Area: The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed, excluding the necessary supports or uprights on which this sign is placed, provided, however, that any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip or fixture of any kind composing the display face shall be included in the computation of the area of the sign whether this open space is enclosed or not by a frame or border.

Sign Face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign Height: The vertical measurement from the highest part of a sign, including all support structures, to the highest surface of the adjacent public road. Any earth berm or elevated foundation that supports a sign, sign post, or sign support is included in the height of the sign.

Sign Module: Each portion or unit of a sign face that is clearly separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

Sign, Outdoor Advertising: A structural poster panel or painted sign, either free-standing or attached to a building, which contains writing, pictures or symbols relating to a subject unrelated to the premises upon which it is located.

Sign Structure: All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign’s message, and the structural supports.

Section 17.2.5 Denial, Revocation and Suspension

1. The Planning Director shall deny all applications for signs that do not comply with this ordinance. Written notification to the applicant listing the reasons for denial shall be provided as set forth above.
2. Revocation of permits or certificates: The Planning Director may revoke a sign permit or Certificate of Completion where an administrative determination has been duly made that false statements or misrepresentations existed as to material facts in the application or plans upon which the permit of approval was based.
3. Suspension of permits: The Planning Director may suspend a sign permit where an administrative determination has been duly made that an error or omission on the part of either the permit applicant or a government agency existed in the issuance of the permit. A new or corrected permit shall be issued in place of the incorrect permit after correction of the error or omission.
4. Appeals: Any individual whose application has been denied or revoked may appeal the decision to the Morgan County Board of Commissioners within thirty (30) days of notification of denial or revocation. Or

an applicant has notified the County of their intent to appeal, a hearing will take place within ninety (90) days of the appeal being filed with the County Clerk. If a hearing cannot take place within the ninety (90) day limit, then the appeal is determined in favor of the applicant.

Section 17.4 Restrictions in Residential and Agricultural Zoning Districts

Other than subdivision entrance signs allowed in this ordinance, parcels located in residential and agricultural zoning districts shall not contain signs having an aggregate sign area greater than twentyfour (24) square feet. No individual sign shall exceed six (6) square feet in sign area in a residential or agricultural zoning district. Sign structure is limited to post and frame construction. Signs having a height greater than four (4) feet above grade shall not be located in a residential or agricultural zoning district. All signs must be a minimum of ten (10) feet from the road right-of-way. Signs in residential or agricultural zoning districts shall not have lighting. Signs meeting the standards of this Section are exempt from permitting requirements.

Section 17.5 Residential Subdivision Entrance Signs

Platted residential subdivisions consisting of more than 6 parcels may erect one monument sign at each entrance to the subdivision. Such sign shall not exceed a height of six (6) feet above grade level and shall not have a sign area greater than twenty five (25) square feet nor a sign structure greater than fifty (50) square feet. Residential subdivision entrance signs may be externally illuminated and must be located a minimum of ten (10) feet from the road right-of-way. Such entrance signs shall not count towards the maximum allowable signage on a residential parcel.

Cooner, Tara

From: Cooner, Tara
Sent: Tuesday, July 9, 2024 1:33 PM
To: jlanford092285@gmail.com
Subject: Sign permit application
Attachments: New Article 17 Signs-Amended March 2023.pdf

Good afternoon, Mr. Lanford,

This email is in response to the sign permit application submitted for 2260 Eatonton Highway. The application is denied based on the following:

1. The sign is too large.

Section 17.6-4-g states that the maximum sign size is 55 square feet.

2. The sign location is within 500 feet of AG zoning.

Section 17.6-4-d states that no billboard shall be within 500 feet of a zoning district where the billboard is not allowed.

3. The sign location is within 500 feet of Mission Road.

Section 17.6-4-e states that no billboard shall be within 500 feet of an interchange or intersection.

4. The sign is digital.

Section 17.6-4-k states that no billboard can be digital.

Article 17 is attached for your reference. Please contact me with any questions.

Kind regards,

Tara Cooner

Senior Planner

Morgan County

150 E. Washington Street

Suite 200

Madison, Georgia 30650

706-342-4373



MORGAN COUNTY PLANNING AND DEVELOPMENT
 Post Office Box 1357
 150 East Washington Street, Suite 200
 Madison, Georgia 30650
 (706) 342-4373 Office (706) 343-6455 Fax

SIGN PERMIT APPLICATION

SIGN LOCATION

Property Address: 2260 Eatonton Hwy City: Madison State: GA Zip: 30650

Name of subdivision: Ace Hurd Ware Tax Map and Parcel #: 046 005B

Land Use: Agricultural Commercial Public Use Residential

PROPERTY OWNER'S INFORMATION

Name: Chad Spinks

Current Address: 2260 Eatonton Hwy City: Madison State: GA Zip: 30650

Phone #: _____

CONTRACTOR INFORMATION

Name: Lanford + co

Address: 3751 Bethany Rd

City: Madison State: GA Zip Code: 30650

Phone #: 706 215 0336

State certification #: 873907622 Expiration date: _____

ELECTRICAL CONTRACTOR INFORMATION

Name: "

Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____

State certification #: _____ Expiration date: _____

TYPE OF SIGN PERMIT REQUESTED

- | | | | |
|---------------------------------------------------------|-------------------------------------|-------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Free Standing Principle | <input type="checkbox"/> Wall | <input type="checkbox"/> Window | <input type="checkbox"/> Directional |
| <input type="checkbox"/> Free Standing (Planned Center) | <input type="checkbox"/> Projecting | <input type="checkbox"/> Banner | <input checked="" type="checkbox"/> <u>SPONSOR</u> |
| <input type="checkbox"/> Under-Canopy | <input type="checkbox"/> Billboard | <input type="checkbox"/> Project Entrance | |
| <input type="checkbox"/> Free Standing Canopy | <input type="checkbox"/> Awning | <input type="checkbox"/> Temporary Event | |

SIGN INFORMATION:

Total cost of construction: \$ 250,000 Total Height (Above Ground Elevation) 45' height

Sign Structure Dimensions: 10'6" X 36 Sign Face Dimensions: 10'6" X 36

Internal Illumination: Yes No External Illumination: Yes No

Is sign located within 200 feet of any State Waters? Yes No

SIGN MATERIAL/SUPPORT:

Wood Concrete Brick Stone Metal Plastic

Other Explain: _____

PERMIT APPLICATION MUST INCLUDE THE FOLLOWING:

- An itemized list and a keyed site plan at a suitable scale showing the location of all existing signs and sign structures currently on the property.
- An itemized list and a keyed site plan at a suitable scale showing the location of all proposed signs to be located on the property and all existing signs proposed to be removed.
- A scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support system for each propped sign.
- By signing below the applicant shall indemnify the County against all damages, demands or expenses of any kind caused by the sign or the structure.

All information is true and accurate to the best of my knowledge.

Applicant

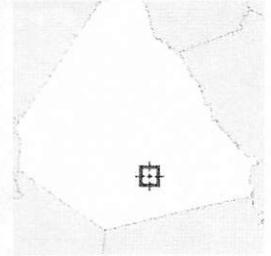
Date

Joe Lanford

6/24/24



Overview



Legend

- Parcels
- Parcel Numbers
- Roads

Parcel ID	046 005 B	Owner	MACKS PROPERTIES GROUP, LLC	Last 2 Sales			
Class Code	Commercial		25 BROWNING SHOALS RD	Date	Price	Reason	Qual
Taxing District	UNINCORPORATED		SOCIAL CIRCLE, GA 30025	11/2/2021	0	NP	U
Acres	31.39	Physical Address	2640 EATONTON HWY	12/1/2020	\$750000	N1	U
		Assessed Value	Value \$1289981				

(Note: Not to be used on legal documents)

Date created: 6/10/2024
 Last Data Uploaded: 6/7/2024 8:06:50 PM

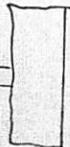
Developed by Schneider
 GEOSPATIAL

The sign will be located 250' south of Ace Hardware entrance



< >
Google

US-441



FORTSON, BENTLEY AND GRIFFIN, P.A.

ELBERT N. WHITMIRE, III, C.P.A.
G. MARCUS HODGE (GA & SC)
DAVID K. LINDER
ROY E. MANOLL III
WALTER W. HAYS, JR.
MICHAEL J. MCCLEARY
V. KEVIN LANG
TREVOR T. JONES (GA & AL)
DAVID F. ELLISON
WADE A. SCHUENEMAN
GREGORY O. DEBACKER
PARKER C. MORGAN
KELLY B. ETCHELLS (GA, FL & TN)
ELINORE R. YOUNG
CHRISTOPHER W. COLLINS
EMILY K. ESCOE

ATTORNEYS AT LAW
2600 DANIELL'S BRIDGE ROAD
BUILDING 200, SUITE 3A
ATHENS, GEORGIA 30606

(706) 548-1151

JOHNELLE SIMPSON, II
HUNT REVELL
HANNA C. SCHERER

UPSHAW C. BENTLEY, JR.
(1924 - 2013)
EDWIN B. FORTSON
(1913-2007)
JOHN E. GRIFFIN
(1923-2002)
HERBERT T. HUTTO
(1933-1998)

June 5, 2024

Chuck Jarrell
Director, Planning and Development
150 E Washington Street, Suite 200
Madison, GA 30650

Re: Lanford & Company, Inc.'s Sign Application

Dear Mr. Jarrell:

Our firm represents Lanford & Company, Inc. ("Lanford") and I send this correspondence in support of our client's application for a digital sign, and to preserve Lanford's constitutional objections should the County deny this application. For the reasons explained below, we believe that the denial of this application would unlawfully restrict Lanford's speech in violation of the United States and Georgia Constitution.

Since there can be no doubt that Lanford has the right to engage in commercial speech in Morgan County, the validity of these ordinances turns on whether (1) the County has a substantial interest in limiting Lanford's speech; (2) the ordinances directly and materially advance those interests; and (3) the extent of the restrictions on Lanford's speech are reasonably proportional to the County's interests. See e.g. Central Hudson Gas & Elec. Corp. v Public Serv. Comm., 447 U.S. 557 (1980). These ordinances must be "narrowly tailored to serve a significant government interest." Coffey v. Fayette Cnty., 279 Ga. 111, 111-12 (2005). Any restrictions "regulating speech must be a last—not first—resort," and the County has the burden of justifying any restrictions on Lanford's First Amendment rights. Thompson v. W. States Med. Ctr., 535 U.S. 357, 373 (2002). Since the Georgia Constitution provides even broader protection than the United States Constitution's First Amendment, the County must "adopt the least restrictive means of achieving its goals." Coffey v. Fayette Cnty., 279 Ga. 111, 111-12 (2005). "Under this test, a

government must draw its regulations to suppress no more speech than is necessary to achieve its goals.” Id.

Lanford seeks a permit to install a digital sign identical to the County’s digital sign located on Bill Wood Park. The digital sign located on the County’s property would be prohibited by Section 17.3 of the County’s ordinances and violates other restrictions listed in Section 17.4, 17.5, and 17.7 of the County’s sign ordinances. The fact that the County maintains a digital billboard prohibited by its own ordinances demonstrates that the County has no substantial interest in restricting Lanford’s speech and confirms that the County is unable to “demonstrate that the harms it recites are real and that its restriction will in fact alleviate them to a material degree.” Rubin v. Coors Brewing Co., 514 U.S. 476, 486–87 (1995). As these ordinances were not enacted to implement a substantial governmental purpose and are not the least restrictive means of achieving its goals, the County’s denial of Lanford’s application would violate the constitutional protections afforded commercial speech under the United States and Georgia Constitution. See Tinsley Media, LLC v. Pickens Cnty., GA, 203 F. App’x 268, 274 (11th Cir. 2006)

Lanford must also point out that ordinance and the county’s use of the digital billboard at Bill Wood Park cannot be justified on grounds that the County uses the sign to advertise upcoming events and public safety messages or that the sign only offers “sponsorships” rather than advertisements because this rationale would impermissibly restrict the content of Lanford’s speech. See e.g. Union City Bd. of Zoning Appeals v. Just. Outdoor Displays, Inc., 266 Ga. 393 2 (1996). Even a facially content neutral ordinance is invalid if “an impermissible purpose or justification underpins a facially content-neutral restriction” or if the restriction would not apply “evenhandedly” to all who wished to construct digital signs. See City of Austin, Texas v. Reagan Nat’l Advert. of Austin, LLC, 596 U.S. 61, 76 (2022). The fact that the County would allow public advertisements or “sponsorships” on a digital billboard while prohibiting private advertisements is a thinly veiled attempt to “keep people in the dark for what the government perceives to be their own good.” Folsom v. City of Jasper, 279 Ga. 260, 261 (2005). “Accordingly, this kind of restriction on speech will “rarely survive constitutional review.” Id.

In light of the foregoing, Lanford demands that the County approve the enclosed application and issue a permit for the digital sign. Not only would denial unlawful restrict Lanford’s constitutionally protected right of speech, but denial would deny my client due process of the law and violate the equal protection clause of the United States and Georgia constitution.

Sincerely,
FORTSON, BENTLEY AND GRIFFIN, P.A.



David F. Ellison

Enc.



MORGAN COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date: mm/dd/yyyy

Type of Request:

Wording for the Agenda:

Approval of Title VI and the ADA Plans for Transit.

Background/History/Details:

As a condition for receiving the 5311 grant we are required to update the Title VI and ADA plan every three years. The Title VI prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin. The ADA prohibits recipients of federal financial assistance from discriminating on the basis of disabilities.

What action are you seeking from the Board of Commissioners?

A motion to approve the Title VI and the ADA Plans.

If this item requires funding, please describe:

These plans do not require funding. They are a requirement of our 5311 Grant.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Approved by Purchasing

Manager's Approval

Staff Notes:

AMERICANS WITH DISABILITIES ACT PLAN

Including policies regarding General ADA Requirements, Reasonable Modifications,
No Shows, and a Suspension Appeals Process

for

Morgan County Transit

Approved by:

Bill Kurtz, Chairman

Date Approved:

September 3, 2024

ADA Contact Information

Name & Title: Stephanie Martin, Transit Director

Mailing Address: 991 South Main Street, City, Madison, GA. 30650

Phone Number: 706-342-4052

Email Address: smartin@morgancountyga.gov

Reasonable Modification Contact Information

Title: Morgan County Transit Director

I. Introduction and Purpose

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and any applicable state laws and regulations. Morgan County Transit operates a demand-response service and complies with ADA requirements with respect to such services.

ADA Policy Statement

It is the policy of Morgan County Transit to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets the following goals:

1. Provides safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. Expedites the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. Accommodates a wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

II. General Guidance and Procedures for Implementing Policy

Recruitment and Employment

As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring, and continued employment practices.

Facility and Vehicle Accessibility

The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State of Ohio. If state requirements do not meet federal requirements, the federal ADA regulations prevail. All vehicles purchased for fixed route and route deviation service will be accessible. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment

☒ The demand response system of Morgan County Transit, when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Morgan County Transit provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under 49 CFR Part 37, Section 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

Maintenance of Accessible Features

Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of Morgan County Transit provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

Inoperative Lifts and Ramps

Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

Wheelchair Accommodation

All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), Morgan County Transit will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not permitted to operate a passenger's wheelchair (i.e. a motorized wheelchair). The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding

Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Wheelchair Securement

Morgan County Transit requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

Seat Belt Usage

When riding in a Morgan County Transit vehicle, seat belts and/or shoulder harnesses:

are required for ALL passengers.

Driver Assistance

Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the vehicle ramp, lift and/or securement systems using the accessibility-related equipment and features on their vehicles.

Use of Lift by Individuals with Disabilities Not Using a Mobility Device

The driver will deploy the lift for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices

Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift and securement areas can safely do so. However, these devices are the

responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating

All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

Priority Seating

With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Service Animals

In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal but may ask what tasks the animal has been trained to perform. Morgan County Transit does not impose species or breed restrictions. However, any animal which is not under the passenger's control, or which becomes a direct threat to the health or safety of other passengers may be restricted from riding. Emotional support animals or "comfort animals" are not service animals within the context of the US DOT ADA regulations.

Alighting

It is the responsibility of the driver to determine that the location for passenger alighting is safe. For fixed route, the driver will allow a passenger who uses the lift or ramp to alight at any stop, unless the lift or ramp cannot be deployed, will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

Staff Training

All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information

All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Personal Care Attendants

Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity.

Stop Announcements

Morgan County Transit does not operate a deviated-fixed route.

Complaint Procedure

All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the Transit Director. Complaints are also to be submitted to the GDOT.

Morgan County Transit will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

Documentation of each complaint will be kept on file for a minimum of one year, and a summary of all complaints will be kept for at least five years. This meets DOT regulations that require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which is permitted to be in summary form, for five years.

Reasonable Modification Policy

The purpose of the reasonable modification policy is to ensure that Morgan County Transit offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

This policy applies to all safety-sensitive transportation vehicle operators including full, part time and those staff that may be required to operate the vehicle. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

Morgan County Transit is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. Morgan County Transit recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Morgan County Transit will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Morgan County Transit does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Morgan County Transit will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Morgan County Transit, or be subject to discrimination by Morgan County Transit.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Morgan County Transit will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- ◆ Making the accommodation would fundamentally alter the nature of the public transportation service.
- ◆ Making the accommodation would create a direct threat to the health or safety of other passengers.
- ◆ The individual with a disability is able to fully use Morgan County Transit’s service without the accommodation being made.

- ◆ Making the accommodation creates an undue financial burden on the transit system.

ELIGIBILITY CRITERIA

An individual is eligible to be considered to receive a reasonable modification if that individual has:

- ◆ A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- ◆ A record of such impairment
- ◆ Or has been regarded as having such impairment.

REQUESTS FOR REASONABLE MODIFICATION

Morgan County Transit shall make information about how to contact Morgan County Transit to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines.

Morgan County Transit shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe the modification to service needed in order to use the service.
- b. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at Morgan County Transit will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Morgan County Transit requests that individuals make such requests for modifications before Morgan County Transit is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Morgan County Transit’s management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

INTERACTIVE PROCESS

When a request for accommodation is made, Morgan County Transit and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Morgan County Transit must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

Morgan County Transit will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Morgan County Transit recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

GRANTING A REASONABLE MODIFICATION REQUEST

As soon as Morgan County Transit determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Morgan County Transit shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as Morgan County Transit determines that a request for reasonable accommodation will be denied, Morgan County Transit will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- ◆ The specific reasons for the denial;
- ◆ Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- ◆ The opportunity to file a complaint relative to the Morgan County Transit's decision on the request.

COMPLAINT PROCESS

Morgan County Transit has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Morgan County Transit's website and will be provided to any individual where the Morgan County Transit has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a Morgan County Transit's Reasonable Modification Complaint Form. Morgan County Transit investigates complaints received no more than 30 days after receipt. Morgan County Transit will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Morgan County Transit may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Morgan County Transit.

If Morgan County Transit is not contacted by the complainant or does not receive the additional information within 30 business days, the Morgan County Transit may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Morgan County Transit investigates the complaint, a decision will be rendered in writing to the complainant. Morgan County Transit will issue either a Letter of Closure or Letter of Finding.

- ◆ **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Morgan County Transit to address the complaint.
- ◆ **Letter of Closure** – This letter will explain why Morgan County Transit has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Morgan County Transit, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Morgan County Transit.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

DESIGNATED EMPLOYEE

Morgan County Transit shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Morgan County Transit Director
Morgan County Transit
991 South Main Street, City, Madison, GA. 30650
740-835-8474

RECORD RETENTION

Morgan County Transit will maintain all records related to reasonable modification requests and denials for at least three (3) years.

No Show Policy

This policy is intended to address the actions by habitual abusers of service scheduling and provide clear protocols for addressing passengers who fail to show for their scheduled trip without properly canceling the trip. This policy is intended to address those repeat offenders, and not the occasional incident that may occur with some passengers.

DEFINITIONS

No-show – Any passenger who is unavailable for pick-up of a scheduled trip that has not notified Morgan County Transit to cancel that trip. Trips in which passengers will not be picked up due to circumstances related to service will not be considered a no-show.

NO-SHOW PROCEDURE

The transit operator will wait for passengers for 5 minutes beyond the early arrival pick-up time window. The transit operator will make reasonable attempts to locate the passenger. If the passenger cannot be located within the established 5 minutes, the transit operator must contact the Dispatcher with the no-show. Passengers who do not make themselves available within that window will be considered a no-show. The Dispatcher has the responsibility to determine if the transit operator is to continue without the passenger.

Upon permission to continue without the passenger, the transit operator is to record the arrival time, departure time, and vehicle mileage on the Daily Manifest.

Scheduled trips are to be cancelled at least 30 minutes prior to the time of the trip request. Any scheduled trip not cancelled within that window will be considered a no-show and will be logged as such. A no-show designation for a trip will be monitored to determine the habitual nature of no-shows associated with a passenger.

Exceptions may be made for passengers who are unduly delayed due to medical appointments or procedures and other circumstances beyond their control. The passenger will be required to contact Morgan County Transit as soon as practicable following the missed trip and a new driver will be dispatched as soon as possible if applicable.

HABITUAL NO-SHOW PROCEDURE

Passengers who have no-shows equal to or greater than 10% of the scheduled trips in a thirty (30) day period will be provided a written warning. In order to be subject to a warning or suspension, a passenger must have booked a minimum of three (3) trips or more in a calendar month. Example: If a passenger books five (5) trips and no-shows 25% of the time, they will be in violation of the no-show policy and subject to the progressive corrective action plan.

A passenger will be subject to the progressive corrective action plan only if both the minimum number of trips booked and the minimum number of no-shows are reached during a calendar month. All suspension periods will begin on a Monday.

The length of a passenger's suspension will adhere to the progressive corrective action plan described as followed:

- First violation in a rolling 12-month period: Verbal Warning
- Second violation in a rolling 12-month period: Final Warning Letter
- Third violation in a rolling 12-month period: 7 days
- Fourth violation in a rolling 12-month period: 14 days
- Fifth violation in a rolling 12-month period: 21 days
- Sixth and subsequent violations in a rolling 12-month period: 30 days

All penalties imposed under this policy are first subject to an appeals process (see Suspension Appeals Process). Before any suspension, the potentially affected individual will receive written notice that transportation service will be suspended beginning fourteen (14) days from the date of notice. The individual will receive a copy of the appeals process that details passenger rights in this situation. The written notice of suspension will contain instructions and materials necessary to challenge or appeal the suspension decision.

Morgan County Transit will continue to serve passengers appealing pending suspensions until all appeals have been settled. For passengers who do not choose to appeal, suspensions will commence on the date specified in the written notice.

Subscription/Standing Order reservations may be denied upon a second suspension in any consecutive 12-month period. Privileges may be reinstated without guarantee of the original subscription/standing order.

Suspension Appeals Process

A suspension may result from violations of passenger behavior rules, violation of the no-show policy, or for other inappropriate or disruptive behavior. Regardless of the reason for suspension, each passenger has a right to appeal the decision through an appeals process.

Appeals must be submitted in writing to Stephanie Martin, Transit Director, by mail at 991 South Main Street, City, Madison, GA. 30650, or by email at smartin@morgancountyga.gov within 14 days of notification of suspension. All passengers will be permitted to continue using service during the appeals process. Morgan County Transit management will inform all schedulers/dispatchers that the suspension is pending an appeal and to allow service to continue for the affected passenger.

An Appeals Committee will review all applicable information from Morgan County Transit and the involved passenger. All passengers will be offered the opportunity to speak directly with Committee members and/or the Transit Manager regarding the submitted appeal and/or circumstances that led the suspension and subsequent appeal.

After a thorough review of all available information and testimony, the Appeals Committee will have 72 hours in which to issue a recommendation to sustain or reverse the suspension. The Committee recommendation will be forwarded to the Transit Manager for final review and implementation.

The Morgan County Transit administration will have three (3) days to issue a final suspension decision in writing to the passenger involved. All final decisions will be implemented within seven (7) days of passenger notification.

All communications will be made available in alternate format upon request.

ADA Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant:

Address:

City, State and Zip Code:

Telephone: Home:

Business:

Person Discriminated Against:
(if other than the complainant)

Address:

City, State, and Zip Code:

Telephone: Home:

Business:

Government, or organization, or institution which you believe has discriminated:

Name:

Address:

County:

City:

State and Zip Code:

Telephone Number:

When did the discrimination occur? Date:

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary):

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes_____ No_____

If yes: what is the status of the grievance?

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes_____ No_____

If yes:

Agency or Court:

Contact Person:

Address:

City, State, and Zip Code:

Telephone Number:

Date Filed:

Do you intend to file with another agency or court?

Yes_____ No_____

Agency or Court:

Address:

City, State and Zip Code:

Telephone Number:

Additional space for answers:

Signature: _____

Date: _____

Return to: Stephanie Martin, Transit Director

991 South Main Street

Madison, GA. 30650