

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, February 6, 2018 at 6:00 p.m. Commission Chambers of the Oconee County Courthouse.

Members Present: Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner W. E. "Bubber" Wilkes
Commissioner Mark Saxon

Staff Present: Justin Kirouac, County Administrator
Kathy Hayes, County Clerk
Daniel Haygood, County Attorney
Wes Geddings, Finance Director
Sandy Weinel, Assistant Director, Planning & Code Enforcement
Paula Nedza, IT Director
Lisa Davol, Parks & Recreation Director
Wayne Haynie, Water Resources Director
Mickey Baughcum, Water Resources Assistant Director
Gloria Batson, Water Resources Business Office Manager

Media Present: Michael Prochaska, The Oconee Enterprise

Chairman Daniell began the meeting at 6:01p.m. with a Moment of Silence. Commissioner Mark Saxon led the Pledge of Allegiance.

Approval of the Agenda:

Chairman Daniell asked to amend the Agenda under "County-wide Matters" to include: Discuss Abandonment of Tract II, 0.289 Acres, located on Daniells Bridge Road on a survey entitled "Oconee County Fire Station No. 8."

On motion by Commissioner Saxon and second by Commissioner Horton, the agenda was unanimously approved as amended.

Citizen Remarks: None.

Commissioners Remarks:

Commissioner Daniell shared with the audience that a Called Meeting may be needed on February 23, 2018 regarding the closing of the Fire Station No. 8 property.

Approval of Minutes:

On motion by Commissioner Wilkes and second by Commissioner Thomas, minutes of the January 2, January 9, January 16, January 23 and January 30, 2018 meetings were unanimously approved as submitted.

Fiscal and Travel Ordinances – Second Reading and Adoption:

A second Public Hearing was held for the Fiscal and Travel Ordinances.

Chairman Daniell asked the Board if there were questions regarding the Fiscal Ordinance.

A discussion was held regarding the Fiscal Ordinance. The local vendor preference shall remain at seven percent (7%). Mr. Geddings was asked to revise the ordinance by removing the section for Sole Source Purchases.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Horton and second by Commissioner Wilkes, the Board unanimously adopted the Fiscal Ordinance with the local vendor preference remaining at seven percent (7%) and removal of the section regarding Sole Source Purchases. **See Ordinances and Resolutions Book No. 22.**

Chairman Daniell asked the Board for questions regarding the Travel Ordinance and there was none.

Chairman Daniell asked for Public Comment regarding the Travel Ordinance and there was none.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously adopted the Travel Ordinance as submitted by Finance Director Wes Geddings. **See Ordinances and Resolutions Book No. 22.**

Sign Ordinance Amendment:

County Attorney Daniel Haygood presented amendments to the Unified Development Code, Article 7, Sign Regulations, and a Resolution allowing the Board to adopt the amendments as presented in Exhibit A under the provisions of Division II of Article 14 of the Unified Development Code. With the adoption of the Resolution, the Oconee County Planning Director is directed to make the changes to the Unified Development Code as shown in "Exhibit A" and to renumber paragraphs or pages as necessary.

Mr. Haygood briefed the Board regarding the amendments as follows:

- Section 701.0, Purpose and Intent, has been revised to include four professional studies of the effect of signs on traffic safety, aesthetics and economic prosperity.
- Section 707.10, U.S. Flags, has been removed from the ordinance as counties comply with flag codes adopted by the U.S. Congress.
- Section 708, Temporary Signs, to clarify and define temporary signage.
- Section 708.03, Duration of Temporary Signs, referencing content-based signs has been removed.
- Section 708.03 referencing election signs has been removed as State law preempts counties.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Horton and second by Commissioner Wilkes, the Board unanimously adopted the Resolution to Adopt Amendments to the Unified Development Code as presented. **See Documentation in Ordinances and Resolutions Book No. 22.**

Special Use No. 7351 – Westminster Christian Academy, 1640 New High Shoals Road:

The Board held a Public Hearing on Special Use Request No. 7351, Westminster Christian Academy, 1640 New High Shoals Road, zoned A-1 and R-1, to allow temporary modular classrooms.

Sandy Weinel, Planning & Code Enforcement Assistant Director, presented the staff report and noted that the Planning Commission recommended approval of the request and staff recommends approval with one condition.

Bob Smith, Smith Planning Group, briefed the Board regarding the request.

Chairman Daniell opened the Public Comment period and there was none.

On motion from Commissioner Saxon and second by Commissioner Thomas, the Board unanimously approved Special Use No. 7351, Westminster Christian Academy, 1640 New High Shoals Road, zoned A-1 and R-1, to allow temporary modular classrooms with one condition. **See Documentation in Ordinances and Resolutions Book No. 22.**

Special Exception Variance No. 7353 – John A. Long, 1321 Julian Drive:

The Board held a Public Hearing on Special Exception Variance No. 7353, John A. Long, 1321 Julian Drive, zoned R-1, to allow an accessory structure exceeding 1,000 square feet in a residential district.

Sandy Weinel, Planning & Code Enforcement Assistant Director, presented the staff report and noted that, if approved, staff recommends one condition that the building not exceed 1,200 square feet.

John Long, Property Owner, briefed the Board regarding the request.

Chairman Daniell opened the Public Comment Period.

Duane Exum spoke against the variance and is concerned that a business is being operated from the building. He asked that the variance not be granted. Chris McClure spoke against the Variance request stating that the building is located close to the property line. He is concerned about chemicals that have been used to finish cabinets in the building.

Mr. Long was allowed a rebuttal to the public comments stating that furniture has been stored in the building, but he is not operating a business in the building.

Chairman Daniell closed the Public Comment Period.

Commissioner Wilkes moved to deny Special Exception Variance No. 7353, John A. Long, 1321 Julian Drive, zoned R-1, to allow an accessory structure exceeding 1,000 square feet in a residential district. Commissioner Horton seconded the motion. Commissioners Thomas and Saxon voted against the motion. Chairman Daniell voted against the motion and the motion to deny failed.

Commissioner Saxon moved to approve Special Exception Variance No. 7353 of John A. Long, 1321 Julian Drive, 3.6 Acres+, zoned R-1, to allow an accessory structure exceeding 1,000 square feet in a residential district, with one condition. Commissioner Thomas seconded the motion. Commissioners Horton and Wilkes voted against the motion. Chairman Daniell voted for the motion and the motion for approval passed.

County Administrator Justin Kirouac asked that the Board consider a 30-day deadline to achieve compliance with county codes and obtain a building permit for the accessory structure.

Commissioner Saxon moved that the Board require the 30-day deadline as stated by Mr. Kirouac and Commissioner Thomas seconded the motion. Commissioners Horton and Wilkes voted against the motion. Commissioner Daniell voted for the motion, and the motion passed requiring a 30-day deadline for the applicant to achieve compliance with county codes and obtain a building permit for the accessory structure. **See Documentation in Ordinances and Resolutions Book No. 22.**

Special Exception Variance No. 7354 – John-John Investments, LLC, 1357 Oconee Connector:

The Board held a Public Hearing on Special Exception Variance No. 7354, John-John Investments, LLC, 1357 Oconee Connector, 1.25 Acres ±, zoned B-2, to eliminate the parking lot setback along the common property line between two proposed lots.

Sandy Weinel, Planning & Code Enforcement Assistant Director, presented the staff report and noted that staff recommends approval with one condition.

Ken Beall, Beall & Company, briefed the Board regarding the request.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Wilkes and second by Commissioner Horton, the Board unanimously approved Special Exception Variance No. 7354, John-John Investments, LLC, 1357 Oconee Connector, 1.25 Acres ±, zoned B-2, to eliminate the parking lot set back along the common property line between two proposed lots with one condition. **See Documentation in Ordinances and Resolutions Book No. 22.**

Oconee County Board of Health Appointment:

Chairman Daniell stated that Commissioner Thomas has an interest in serving on the Board of Health. The Commission Chairman serves on the Board of Health but is allowed to name a designee to serve in place of the Chair. Chairman Daniell asked that the Board ratify his decision to designate Commissioner Mark Thomas to serve on the Board of Health.

On motion by Commissioner Saxon and second by Commission Horton, the Board unanimously approved Commissioner Mark Thomas to serve as the Chairman's designee on the Board of Health.

Calls Creek Wastewater Reclamation Facility Upgrade – Change Order No. 1:

Water Resource Director Wayne Haynie asked that the Board consider a second aeration basin/reuse water basin to be constructed during the Calls Creek Facility Upgrade in an amount not to exceed \$1,030,993.00 and add 90 days to the construction period revising the total days from 460 to 550 days.

Chairman Daniell asked for Public Comment.

Jim McGarvey spoke regarding additional costs that may be involved for reuse water, such as waterline construction.

Chairman Daniell closed the Public Comment period.

On motion by Commissioner Saxon and second by Commissioner Thomas, the Board unanimously approved Change Order No. 1 of the Calls Creek Wastewater Reclamation Facility Upgrade for a second aeration basin/reuse water basin not to exceed \$1,030,993.00.

Opioid Manufacturers and Distributors Multi-District Litigation:

County Attorney Daniel Haygood briefed the Board regarding litigation against opioid manufacturers and distributors. Mr. Haygood explained that by adopting the Resolution, the Board is authorizing Blasingame, Burch, Garrard and Ashley to proceed with filing the claim. There will be no cost to the County for professional fees unless the claim is in favor of the County at which time a percentage of the settlement will be paid to the law firm.

Chairman Daniell asked for public comment and there was none.

On motion by Commissioner Horton and second by Commissioner Thomas, the Board unanimously adopted the resolution to proceed in a multi-district litigation against the manufacturers and distributors of opioids. **See Documentation in Ordinances and Resolutions Book No. 22.**

FY2018 Second Quarter Financial Update:

Finance Director Wes Geddings presented to the Board the second quarter financial update through December 31, 2017. Mr. Geddings stated that the County is financially sound. The update included comparing the General Fund Revenues and Expenditures as compared to the budget; SPLOST and LOST distributions compared to the prior fiscal year; and Water Resource revenues and expenditures as compared to the budget. Mr. Geddings noted that the General Fund Balance is currently \$16,229,472.00.

FY2019 Budget Submittal Plan and Budget Public Hearing Schedule:

Finance Director Wes Geddings presented the FY2019 Budget Submittal Plan and Public Hearing Schedule. Mr. Geddings asks that the Board approve the plan and schedule for the upcoming budget process with one modification of the schedule presented at the Agenda Setting Meeting. Previously, the first Public Hearing was scheduled for April 17, 2018, but the date has been changed to April 18, 2018.

On motion by Commissioner Horton and second by Commissioner Thomas, the Board unanimously approved the FY2019 Budget Submittal Plan and Budget Public Hearing Schedule.

Fire Station No. 8 - Abandonment of Tract II, 0.289 Acres, Daniells Bridge Road:

County Attorney Daniel Haygood stated that the Title Company for the Purchaser of Fire Station No. 8 on Daniells Bridge Road asked that the County abandon the property known as Tract II, 0.289 Acres, on a plat
Minutes-February 6, 2018
Page 4

entitled, "Oconee County Fire Station No. 8" and be removed from the County Road System of Old Epps Bridge Road.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously declared Tract II, 0.289 Acres, on a plat entitled "Oconee County Fire Station No. 8" dated May 16, 2017 by ABE Consulting, Inc., as no longer serving the best interest of the public.

The abandonment will be advertised in the legal organ for two weeks with action taken at a Called Meeting of the Board on February 23, 2018 at 12:00 noon.

Additional Commissioner Comments:

Commissioner Mark Saxon stated that the Unified Development Code should address Special Exception Variances and asks that the Board discuss this issue.

Consent Agenda:

No items were removed from the Consent Agenda. On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board unanimously approved/adopted the following Consent Agenda items:

- 1) Approve Alcohol License Modification for Convenience Stores, Inc. d/b/a JP Bogart, 2430 Monroe Highway, Bogart, with Elizabeth Simbro as the Registered Agent.
- 2) Approve Alcohol License Application for The Falls, LLC, 8851 Macon Highway, Suite 501, Athens, with Norma Miranda as the Registered Agent.
- 3) Approve Bid Award of Contracts 1 and 2 for Northwest Oconee Pressure Zone Improvements to Phoenix Fabricators in the amount of \$822,080.00 for Contract No. 1 and to Allsouth Contractors in the amount of \$205,500.00 for Contract No. 2 and authorize Chairman Daniell to execute the contracts.
- 4) Approve Change Order No. 1 for the Epps Bridge Force Main Replacement to extend the contract time from 180 to 244 days until July 3, 2018 and authorize Chairman Daniell to execute the contract.
- 5) Approve recommendation for the Annual Emergency Generator Inspection and Maintenance Services to Cummins Sales and Service in an amount not to exceed \$11,996.90.
- 6) Approve Mid-Year Budget Amendments and Budget Transfers as follows: Budget Amendments-Public Works \$317,700.00 and Animal Services \$25,000.00; and Budget Transfers-Clerk of Courts \$78,000.00; Fire Department \$39,525.00; Operations \$20,000.00; Planning & Code Enforcement \$10,000.00.
- 7) Approve Concession Services Agreement, authorizing Chairman Daniell to execute the contract, with Oconee County Little League for Oconee Veterans Park, Bogart Sports Complex and Herman C. Michael Park with the contract amended in Section VII to change the compensation from \$2,000.00 to \$1,000.00 for the first season and change the fee due date from June 15, 2018 to June 30, 2018.

Executive Session:

On motion by Commissioner Wilkes and second by Commissioner Thomas, the Board unanimously voted to adjourn into Executive Session at 7:42 p.m. to discuss personnel, land acquisition, and/or potential litigation.

No action was taken in Executive Session.

On motion by Commissioner Wilkes and second by Commissioner Horton, the Board adjourned Executive Session at 8:25 p.m. On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board adjourned back into Regular Session.

There being no further business, on motion by Commissioner Wilkes and second by Commissioner Thomas, the meeting was adjourned at 8:27 p.m.

County Clerk

Chairman

Date