

The Agenda Setting Meeting of the Oconee County Board of Commissioners was held on Tuesday, February 26, 2019 at 6:00 p.m. in the Commission Meeting Chambers at 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  
Daniel Haygood, County Attorney  
Kathy Hayes, County Clerk  
Tracye Bailey, Deputy Clerk  
Paula Nedza, IT Director  
Jody Woodall, Public Works Director  
Diane Baggett, Communications Manager  
Wes Geddings, Finance Director  
Lisa Davol, Parks & Recreation Director  
C. J. Worden, EMA Director

Chairman John Daniell began the Board Meeting at 6:00 p.m. with a moment of silence, and the Pledge of Allegiance was led by County Attorney Daniel Haygood.

**Approval of Agenda:**

On motion by Commissioner Horton and second by Commissioner Wilkes, the Agenda was unanimously approved.

**Statements and Remarks from Citizens:**

None.

**Statements and Remarks from Commissioners:**

County Administrator Justin Kirouac introduced Jody Woodall as the new Public Works Director. He also announced that Human Resources Director Malinda Smith retired as of Friday, February 22, 2019, stating she worked for Oconee County for 29 years and will be greatly missed.

**First Reading and Public Hearing of the Unified Development Code-Definition of Development Review Committee:**

A First Reading and Public Hearing was held for the Unified Development Code definition of the Development Review Committee. Planning and Code Enforcement Director Guy Herring presented the recommended Sections 502 and 1503 be revised as follows: "A committee appointed by resolution of the Board of Commissioners" revised as "An internal review group." Planning Commission recommended approval.

Chairman Daniell asked for Public Comment and there was none.

A Second Reading and action for the revisions of the Unified Development Code definition of the Development Review Committee will be held at the Board's Regular Meeting on March 5, 2019.

**City of Watkinsville Intergovernmental Agreement—Sewer Extension Project:**

County Administrator Justin Kirouac presented an Intergovernmental Agreement between Oconee County and the City of Watkinsville to provide project management for the City's sewer line extension through its industrial park. After completion of the project, the sewer line will be conveyed to the County.

Chairman Daniell asked for Public Comment and there was none.

*By consensus, this item will be placed on the Consent Agenda of the March 5, 2019 Regular Meeting.*

**Oconee Chamber of Commerce Memorandum of Understanding (MOU) – Economic Development Services:**

Commissioner Chuck Horton recused himself from the meeting due to a conflict of interest. County Administrator Justin Kirouac presented a Memorandum of Understanding between Oconee County and the Oconee Chamber of Commerce to provide Economic Development Services. As part of the MOU, an Economic Development Council will be created with members consisting of representatives from the Board of Commissioners, Industrial Development Authority, Chamber of Commerce and ex-officio memberships from the cities and Board of Education. The Council will not provide funding for projects or have authority to abate taxes, but these activities will be processed through the Industrial Development Authority. The term of the contract is one year with five automatic renewals.

Chairman Daniell asked for Public Comment.

Michael Prochaska, The Oconee Enterprise, asked if the meetings of the council will be open meetings and where will the \$100,000.00 be deposited? Chairman Daniell stated that this is a time for comment, and he will be glad to answer Mr. Prochaska's questions outside of the meeting.

Chairman Daniell closed the Public Comment period.

The Board will take action of the Oconee Chamber of Commerce Memorandum of Understanding at the March 5, 2019, Regular Meeting.

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**“Resolution Requesting Sales Tax Information from the Georgia Department of Revenue:”**

Finance Director Wes Geddings presented the “Resolution Requesting Sales Tax Information from the Georgia Department of Revenue” in accordance with Senate Bill 371, which became effective July 1, 2018. The resolution names Finance Director Wes Geddings as the Designated Officer to receive vendor sales tax information.

County Attorney Daniel Haygood stated that the vendor sales tax information received from the Georgia Department of Revenue can only be disclosed to the Board of Commissioners during Executive Session and is subject to criminal penalties if disclosed outside of Executive Session. The vendor sales tax information is not subject to Open Records.

Chairman Daniell asked for Public Comment and there was none.

*By consensus, this item will be placed on the Consent Agenda of the March 5, 2019 Regular Meeting.*

**Alcohol License Application – LaCabana Bogart, Inc:**

County Clerk Kathy Hayes presented a 2019 Alcohol License Application for LaCabana Bogart, Inc., 2971 Monroe Highway Suite 101 and 102, Bogart. The owners are Juan Eduardo Lopez Morales, Jimmy Lopez and Rodolfo Rodriguez-Garcia. Mr. Rodriguez-Garcia is named as the Registered Agent and was in attendance at the Board meeting. It was noted that the applicants have met all requirements as set forth in the Alcoholic Beverages Ordinance. The application is for on-premise consumption of malt beverages, wine and distilled spirits.

Chairman Daniell asked for Public Comment and there was none.

*By consensus, this item will be placed on the Consent Agenda of the March 5, 2019 Regular Meeting.*

**“Resolution Opposing House Bill 302 and Senate Bill 172:”**

Chairman Daniell presented the “Resolution Opposing House Bill 302 and Senate Bill 172, Preemption of Local Building Design Standards.” If adopted by the State of Georgia, House Bill 302 and Senate Bill 172 would prohibit local governments from regulating building design elements in single or double family dwellings and will have a major impact to the recently completed Joint Comprehensive Plan. The bills are sponsored by State Representative Vance Smith and State Senator John Wilkinson. Chairman Daniell read the Resolution into the record:

**WHEREAS**, HB302 and SB 172 would prohibit local governments from regulating “building design elements” in single or double family dwellings, which could negatively impact economic development efforts and harm competitiveness; and

**WHEREAS**, appropriate local design standards and land use policies create a diverse, stable, profitable, and sustainable residential development landscape; and

**WHEREAS**, HB302 and SB 172 is a bill that would undermine self-determination of citizens to establish community standards as illustrated by the following:

- County and municipal officials are elected in part to make decisions about the look and feel of their communities, which fosters economic development, preserves the character of communities; and
- Counties and municipalities use design standards to ensure that the property values of surrounding property owners remain protected from incompatible development; and
- HB302 and SB 172 would severely erode the ability of all 538 Georgia cities and 159 counties to address unique and community-specific quality of life issues.

**WHEREAS**, county and municipal governments use building design standards to protect property values, attract high quality builders, and block incompatible development; and

**WHEREAS**, building design standards assure residents and business owners that their investments will be protected, and that others who come behind them will be equally committed to quality; and

**WHEREAS**, local governments spend a large amount of resources studying, surveying, crafting, and defining their vision and development strategies, and design standards are an integral part of those endeavors to attract residents, businesses, and the much-coveted trained workforce; and

**WHEREAS**, development and redevelopment efforts should reflect the community and its vision while simultaneously creating a sense of place; and

**WHEREAS**, county and municipal government officials are elected to make decisions about the look and feel of their communities, and HB302 and SB 172 would transfer that power from duly-elected local leaders to outside groups with little to no stake in the future or success of Georgia’s counties and municipalities, including real estate developers and homebuilders; and

**WHEREAS**, building design standards neither discourage nor favor affordable housing, nor prevent the availability of certain housing types, as supporters of HB302 and SB 172 purport; and

**WHEREAS**, local governments should have the ability to provide more affordable housing options without sacrificing their unique character or threatening economic growth; and

**WHEREAS**, although historic districts are protected in HB302 and SB 172, which indicates an understanding that standards do in fact make sense, downtown overlays or other similar special zoning districts are not; and

**WHEREAS**, local governments should be empowered to enforce building design standards to make today's thriving county areas tomorrow's historic districts; and

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**WHEREAS**, by limiting the ability of local governments to enforce building design standards in single or double family dwellings, HB302 and SB 172 would negatively impact quality-of-life issues, including economic growth and the safety and welfare of the citizens of Georgia and in particular of Oconee County; and

**WHEREAS**, Oconee County has regulated local design standards consistently over a period of over 35 years without harming the building and development community as evidenced by the desirability of homes in Oconee County; and

**WHEREAS**, the effort to regulate design standards was driven by local citizens of Oconee County and has drawn the support of those citizens consistently:

**NOW, THEREFORE, BE IT RESOLVED BY THE** Oconee County Board of Commissioners that this governing body voices its opposition to HB302 and SB 172, Preemption of Local Building Design Standards.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered to each member of the Georgia House of Representatives and Senate representing Oconee County, and made available for distribution to the public and the press.

The Board stated its concerns regarding House Bill 302 and Senate Bill 172, which included control being taken away from local communities/counties; the Joint Comprehensive Plan becoming null and void; and the results of the bills' passage could create farther-reaching results than regulating building design elements for communities/counties. The Board urged citizens to contact State Legislators in opposition of the proposed bills.

Chairman Daniell asked for Public Comment.

Sarah Bell stated that she supports the Board regarding the bills.

Chairman Daniell closed the Public Comment period.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously adopted the "Resolution Opposing House Bill 302 and Senate Bill 172, Preemption of Local Building Design Standards." ***See documentation in Ordinances and Resolutions Book No. 22.***

**Executive Session:**

On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board unanimously voted to adjourn into Executive Session at 6:25 p.m. to discuss potential litigation, personnel and property acquisition.

No action was taken in Executive Session.

On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board adjourned Executive Session at 6:45 p.m.

On motion by Commissioner Horton and second by Commissioner Thomas, the Board adjourned back into Regular Session.

There being no further business, on motion by Commissioner Wilkes and second by Commissioner Horton, the meeting was adjourned at 6:46 p.m.

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Chairman

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County Clerk

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Date