

March 06, 2018

THE HONORABLE BOARD OF COUNTY COMMISSIONERS, MADISON, GEORGIA,  
MET THIS DAY IN REGULAR SESSION.

PRESENT: Chairman Ronald H. Milton, Vice-Chair Philipp Von Hanstein,  
Commissioners Andy A. Ainslie, Jr., Donald B. Harris and Ben M. Riden, Jr.

STAFF: County Manager Adam Mestres, Assistant County Manager Mark Williams,  
County Attorney Christian Henry and County Clerk Leslie Brandt.

Commissioner Milton, called the meeting to order at 10:00 a.m. and lead the Pledge of Allegiance.

Commissioner Riden gave the invocation.

#### APPROVAL OF AGENDA

County Attorney, Christian Henry asked the Board to add the following to the agenda under new business:

- Weyerhaeuser Refund Request
- Request for Easement-Shadow Lake Drive (Shelter Cove)

MOTION by Comm. Ainslie, seconded by Comm. Riden to approve agenda with the addition of Weyerhaeuser Refund Request under new business as item #3 and Request for Easement-Shadow Lake Drive (Shelter Cove) under new business as item #4. Unanimously Approved.

#### MINUTES

February 06, 2018 Regular Meeting

February 20, 2018 Regular Meeting

MOTION by Comm. Riden seconded by Comm. Harris to approve the minutes for the February 6, 2018 Regular Meeting and the February 20, 2018 Regular Meeting. Unanimously Approved.

#### CALENDARS

County Manager, Adam Mestres reviewed the calendars for March, April and May 2018.

#### CONSENT AGENDA

1. Motion to accept as information the February 2018 payables to include General Fund in the amount of \$929,234.54, SPLOST in the amount of \$84,993.66 and General Fund electronic payments in the amount of \$2,102.00 and the February 2018 financials.

2. Motion to accept as information the January 2018 Staff Reports which were presented at the February 20, 2018 Commission Meeting.

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

**RESTRIPING COUNTY ROADS**

Roads and Bridges Director, Tom Wooten presented the Board with a road restriping list along with two quotes at the February 20, 2018 Commission Meeting. County Manager, Adam Mestres recommended the low bidder, Mid-State Stripping, Inc.

MOTION by Comm. Von Hanstein, seconded by Comm. Riden to approve Mid-State Stripping, Inc. in the amount of \$54,820.00. Unanimously Approved. (COPY: Miscellaneous Book)

**IT-SERVER REPLACEMENT**

IT Director, Trevor Giddens presented the Board with three quotes for server replacement at the February 20, 2018 Commission meeting. Giddens recommended going forward with the proposal from Halksi Systems in the amount of \$76,349.42.

MOTION by Comm. Riden, seconded by Comm. Harris to approve the quote from Halksi Systems in the amount of \$76,349.42. Unanimously Approved. (COPY: Miscellaneous Book)

**ROOF REPLACEMENT AT SENIOR CENTER**

Public Buildings Director, Alan Cagle presented the Board with three quotes for Senior Center roof replacement at the February 20, 2018 Commission meeting. Cagle recommended the low bidder, Joe’s Roofing, LLC.

MOTION by Comm. Von Hanstein, seconded by Comm. Ainslie to approve the quote from Joe’s Roofing, LLC in the amount of \$20,790.00. Unanimously Approved. (COPY: Miscellaneous Book)

**PROPERTY TO BE DECLARED SURPLUS**

The following items were presented at the February 20, 2018 Commission meeting to be declared surplus property:

DESCRIPTION	QTY
Metal Desk	2
Wooden Church Pew	1
Double sided Chalkboard	1
Hubart Industrial Refrigerator - Not Functioning	1
Electric Typewriter	2
Powerline AV Adapter Kit	3

TV Antenna and Digital Converter	4
Adding Machine	5
HP LaserJet2600n Printer	1
HP Officejet Pro K850 Printer	1
Tally T2250 Sprint Pro Printer	1
HP Photosmart D7360 Printer	1
Panasonic PBX Phone System Controller and Phone	1
Reception Chair	17
High Back Desk Chair	7
Secretary Chair	14
Low Back Desk Chair	10
4 Drawer Vertical File Cabinet	2
2 Drawer Vertical File Cabinet	2
Rolling AV Cart	1
3 Drawer Vertical File Cabinet	1
10 Drawer Index Card File Cabinet	1
Steam Table	1
Industrial Dishwasher - Not Functioning	1
Misc. Computer Equipment - No Value	
Misc. Office Accessories (lamps, organizers...)	

MOTION by Comm. Riden, seconded by Comm. Von Hanstein to declare the list of property as surplus property. Unanimously Approved.

CINTAS AGREEMENT

Uniform agreement for Public Works and Public Facilities.

MOTION by Comm. Ainslie, seconded by Comm. Riden to approve the Cintas Agreement with the condition that the non-appropriation clause is added and to allow the Chairman to sign contract. (COPY: Miscellaneous Book)

RIGHT OF WAY ON MALLORY ROAD

Planning Director, Chuck Jarrell received an exempt subdivision plat, Mallory Falls, for nine lots fronting on Mallory Road. Morgan County has a prescriptive easement on Mallory Road. The subject property did not go to the center of the road as identified in the deed. Therefore, Jarrell has asked the landowner, Mathis Land Group, LLC to donate twenty feet right of way on their side of Mallory Road. The landowner has agreed to donate twenty feet along the frontage of the nine lots which totals 1.30 acres. In doing so, four of the nine lots were reduced to less than five acres. Jarrell asked the Board to grant this reduction in lot size of these four lots for the following reasons:

- Morgan County does not own right of way on Mallory Road.
- Mallory Road is a dirt road that is approximately 17 to 18 feet wide.

- The landowner has agreed to donate right of way, even though it was not a requirement.
- We get right of way from one owner, rather than having to purchase right of way from nine.
- The landowner has seven of the nine lots pre-sold.
- With the addition of more residents on the road we will need to make improvements for road safety.

MOTION by Comm. Riden, seconded by Comm. Harris to approve the Right of Way on Mallory Road for the variance of lots 1-4 below the 5-acre minimum. Unanimously Approved.

WEYERHAEUSER REFUND REQUEST

Weyerhaeuser Real Estate Development Company petitioned the Board for a refund of ad valorem taxes allegedly overpaid for multiple years, 2012-2016 under a theory that the Tax Assessors office failed to apply absorption rate to their properties.

County Attorney, Christian Henry stated that based upon the County's procedures for the Board to review these refunds and based upon State law, Weyerhaeuser is not entitled to a refund. Henry made a recommendation to the Board to deny the refund claim and to authorize Henry to send Weyerhaeuser a letter notifying them as such.

MOTION by Comm. Ainslie, seconded by Comm. Harris to deny the Weyerhaeuser refund claim and authorize County Attorney, Christian Henry to notify Weyerhaeuser of the denial. Unanimously Approved.

REQUEST FOR EASEMENT ON SHADOW LAKE DRIVE (SHELTER COVE)

Jay Dell, on behalf of a homeowner in Putnam County on Shadow Lake Drive, is requesting an easement for a sewer line to run in the right-of-way of the County's road (Shadow Lake Drive). The parcel is split between Morgan County and Putnam County. The easement would allow the sewer system pipe in the right of way along Shadow Lake Drive in Morgan County.

MOTION by Comm. Riden, seconded by Comm. Harris to approve the Request for Easement on Shadow Lake Drive. Unanimously Approved.

COUNTY MANAGER REPORT

County Manager, Adam Mestres, presented a monthly overview of Morgan County government's current projects and/or issues. (COPY: Miscellaneous Book)

Senior Planner, Tara Cooner asked the Board to add the following to the agenda under Planning Commission-Old Business-Items were tabled at the February 6, 2018 Commission Meeting:

1. WILLIAM KILLMER, ON BEHALF OF THE GEORGIA ZOO, LLC, IS REQUESTING A ZONING MAP AMENDMENT, FROM I-2 (LIGHT INDUSTRIAL/MANUFACTURING – CITY OF MADISON) TO I-2 (HEAVY COMMERCIAL – MORGAN COUNTY) FOR 92.410 ACRES LOCATED ON MONTICELLO HIGHWAY (PORTION OF 037D-014Z).
2. WILLIAM KILLMER, ON BEHALF OF THE GEORGIA ZOO, LLC, IS REQUESTING A ZONING MAP AMENDMENT, FROM I-2 (HEAVY INDUSTRIAL) TO AG (AGRICULTURAL) FOR 92.410 ACRES LOCATED ON MONTICELLO HIGHWAY (PORTION OF TAX PARCEL 037D-014Z)
3. WILLIAM KILLMER, ON BEHALF OF THE GEORGIA ZOO, LLC, IS REQUESTING CONDITIONAL USE APPROVAL TO ADD 92.410 ACRES LOCATED ON MONTICELLO HIGHWAY TO AN ALREADY APPROVED CONDITIONAL USE FOR A ZOO FACILITY (PORTION OF TAX PARCEL 037D-014Z).

MOTION by Comm. Von Hanstein, seconded by Comm. Riden to add all three Planning Commission items as requested by Tara Cooner that were tabled at the February 06, 2018 Commission meeting. Unanimously Approved.

#### PLANNING COMMISSION-OLD BUSINESS

1. WILLIAM KILLMER, ON BEHALF OF THE GEORGIA ZOO, LLC, IS REQUESTING A ZONING MAP AMENDMENT, FROM I-2 (LIGHT INDUSTRIAL/MANUFACTURING – CITY OF MADISON) TO I-2 (HEAVY COMMERCIAL – MORGAN COUNTY) FOR 92.410 ACRES LOCATED ON MONTICELLO HIGHWAY (PORTION OF 037D-014Z).
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3. WILLIAM KILLMER, ON BEHALF OF THE GEORGIA ZOO, LLC, IS REQUESTING CONDITIONAL USE APPROVAL TO ADD 92.410 ACRES LOCATED ON MONTICELLO HIGHWAY TO AN ALREADY APPROVED CONDITIONAL USE FOR A ZOO FACILITY (PORTION OF TAX PARCEL 037D-014Z).

MOTION by Comm. Von Hanstein, seconded by Comm. Riden to table all three Planning Commission items until the April 3, 2018 Commission meeting. Unanimously Approved.

#### PLANNING COMMISSION-NEW BUSINESS

1. ELLEN COWAN IS REQUESTING CONDITIONAL USE APPROVAL TO OPERATE A BED AND BREAKFAST ON 3.67 ACRES OF LAND LOCATED AT 3071 ATLANTA HIGHWAY (TAX PARCELS 028-056 AND 028-056A).

This property is located on Highway 278, next to Wynbrook subdivision. The applicant is currently renovating the house and intends to connect the house and garage, which will create five rooms for the B&B. The applicant has operated a B&B before. The closest residence is a house in the subdivision, which is 375 feet away. The applicant is aware that she does not qualify for an event facility, but has requested permission to operate classes, such as art or writing, on the property. These classes are not part of the B&B application. The language for classes is addressed in Item 2 on the agenda. The property has adequate off- street parking for the proposed number of guests and the use is supported by the Comprehensive Plan. In the R1 zoning district, she is allowed a 6-square foot sign that must be 10 feet behind the right-of-way. The ROW is 75 feet from the pavement in front of her house.

The Planning Commission confirmed with Staff that the highway was not close to capacity of traffic it was designed for and asked about other B&Bs in the county. For clarification, there are only two B&Bs in the unincorporated county, and the last B&B application was submitted in 2009. The Planning Commission stated that they understood the concerns of the neighbors but could not make a recommendation based on “what ifs”. They felt the use would not noticeably increase traffic, nor would it commercialize the area. The Planning Commission voted unanimously to recommend approval of the conditional use application for a bed and breakfast at 3071 Atlanta Highway, based on the application’s fulfillment of all nine criteria.

CHAIRMAN MILTON ALLOWED PROPONENTS TO SPEAK

No proponents spoke.

CHAIRMAN MILTON ALLOWED OPPONENTS TO SPEAK

Earl Faulkner-Wynbrook Resident

Tiffany Ellenberg-Wynbrook Resident

Residents main concerns were possible degradation of the residential nature of the area, a fear that guests would wander onto adjacent properties, a possible increase in traffic and alcohol use.

Cooner stated that alcohol could not be sold or served by the owner/manager. However, guest could bring their own alcohol and must serve themselves.

MOTION by Comm. Ainslie, seconded by Comm. Harris to approve the conditional use request to operate a bed and breakfast at 3071 Atlanta Highway with the following conditions: limit occupancy number to five rooms and ten adults, ensure all guest parking behind house, install vegetative screen and no harvesting of current vegetation. Unanimously Approved.

2. MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING TEXT AMENDMENTS TO ARTICLE 3 DEFINITIONS, ARTICLE 4 DISTRICTS AND MAPS, AND ARTICLE 7 REGULATIONS FOR SPECIFIC USES OF THE MORGAN COUNTY ZONING ORDINANCE, RELATED TO PERSONAL INSTRUCTION.

Senior Planner, Tara Cooner presented text amendments to Article 3 Definitions, Article 4 Districts and Maps, and Article 7 Regulations for Specific Uses of the Morgan County Zoning Ordinance, related to personal instruction.

We currently have classes being taught in residential settings in all five commission districts in the county. These include art, various crafts, quilting, canning, yoga. At Christmas there were classes offered for Christmas cookie baking and wreath making. We have had two art camps for children, they offer summer art camps or camps when school is out for breaks. One offers an art academy for after-school classes. We have one commercial business offering classes, and they have been the source of our only complaint, when someone went to shop and had difficulty finding a parking place because of class attendees. This language is to provide parameters for these activities and breaks it into three categories: Personal instruction in residential or ag areas limits topics for teaching to art, crafts, health, wellness and nutrition, limits participants to 12 people, limits cooking classes to demonstration only, prohibits outdoor classes within 50 feet of a property line, and requires all parking to be off-street. Classes in a commercial setting is limited to topics related to the business, ties the number of participants to the occupancy load, limits the classes to business hours, requires health department approval for cooking classes, and provides restrictions on outdoor classes. The last category is Workshops, which address the camp situations and limits participants to 25 people, limits the topics to those aforementioned, limits indoor classes to occupancy loads, prohibits outdoor classes within 50 feet of a property line and requires off-street parking and drop-off/loading areas. No one spoke in favor of, or in opposition to the application. The Planning Commission requested the addition of language to address meals for participants. It was noted that the language was insufficient to handle the various equine related educational opportunities offered in the county and staff was directed to research separate language to address those situations. The Planning Commission voted unanimously to recommended approval of the text amendment, with the

addition of language: unless on-site food preparation is approved by the Health Department meals must be catered or provided by class participants.

No proponents or opponents spoke.

MOTION by Comm. Riden, seconded by Comm. Ainslie to table for further review until the April 3, 2018 Commission meeting. Unanimously Approved.

3. MORGAN COUNTY PLANNING & DEVELOPMENT IS PROPOSING TEXT AMENDMENTS TO ARTICLE 3, DEFINITIONS, ARTICLE 4, DISTRICTS AND MAPS, AND ARTICLE 7 REGULATIONS FOR SPECIFIC OF THE MORGAN COUNTY ZONING ORDINANCE, RELATED TO ANIMALS.

Senior Planner, Tara Cooner stated the Planning office has had several recent inquiries related to livestock on small acreage. They have been asked about 2 or more horses on 2 or less acres, in addition to a house, and miscellaneous other structures. The Planning Staff have been asked about numerous pigs on 1 acre, in a subdivision on the lake. These situations could not only create neighbor issues but are not healthy for the animals. Morgan County removed animal restrictions in 2012, which required a minimum number of acres per animal. Without any regulations, Planning cannot deny the multi-animal on small acreage requests we are receiving. The proposed language is simple and ties animals to acreage in the AG, AR, residential and lake residential zoning districts. On 5 acres or greater, there would continue to be no restrictions. Between 2 and 5 acres would limit the number and types of animals: up to 4 sheep or goats or alpacas and not more than 20 hens that must be kept in an enclosure, no roosters. On less than 2 acres, there would be no livestock allowed other than a maximum of 6 hens in an enclosure, no roosters. Planning Staff are most often asked about hens for eggs. The proposed language prohibits any livestock in platted subdivisions unless the development was created a mini-farms, such as Sweetbriar Trace. The language also includes a definition for livestock, which includes all farm animals. No one was present to speak for or against the application. The Planning Commission felt the language was necessary and cited examples of animal neglect and abuse resulting from animals, in particular large animals, being kept on insufficient acreage. The Planning Commission voted unanimously to recommend approval of the text amendment.

No proponents or opponents spoke.

Ed Price, Morgan County resident stated he was not for or against the text amendments. However, Mr. Price did ask the Board to carefully review some of the items and wording in the definition.



MOTION by Comm. Von Hanstein, seconded by Comm. Riden to table for further review until the April 3, 2018 Commission meeting. Unanimously Approved.

CHAIRMAN MILTON ALLOWED PUBLIC COMMENTS ON AGENDA ITEMS

No public comments were made.

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

EXECUTIVE SESSION – PENDING LITIGATION AND REAL ESTATE

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

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

MOTION by Comm. Ainslie, seconded by Comm. Riden to adjourn. Unanimously Approved.

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Ronald H. Milton, Chairman

ATTEST:

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Leslie Brandt, County Clerk

LB