**Jasper County Board of Commissioners**

**November 4, 2019**

**Regular Meeting Minutes**

**6:00 P.M.**

Comm. Pennamon called the meeting to order at 6:00 p.m.

Commissioners Present: Chairman, Carl Pennamon, Vice-Chairman, Bruce Henry (at 6:28 p.m.), Don Jernigan, Gerald Stunkel, and Doug Luke.

Staff Present: Mike Benton, County Manager, Clerk, Sharon Robinson, Finance Director, Dennis Pate, and County Attorney, David Ozburn.

**Pledge of Allegiance:**

**Invocation:**

Commissioner Don Jernigan

**Agenda Approval:**

Comm. Jernigan made motion to approve the agendas presented, Commissioner Stunkel seconded; passed unanimously.

**Consent Agenda:**

**Approval of Minutes:**

Commissioner Luke made motion to approve the Minutes of October 7, 2019 as presented. Commissioner Jernigan seconded; passed unanimously.

**Check Register:**

Commissioner Luke made motion to approve the check register which included Check #’s 56210-56715 for payment, Commissioner Stunkel seconded; passed unanimously.

Public Hearing: Commissioner Luke motioned to open the first Public Hearing at 6:05 p.m., Commissioner Stunkel seconded the motion, passed unanimously.

1. **A public hearing will be held for a rezoning at 53 Pennington Road Shady Dale, Ga 31085. The property is currently zoned Commercial (C-2) and the owner is requesting it to be rezoned to Residential (R-1).**

Mr. Sealy stated that the application 2019-Z-002 by Mr. Elijah Jones. Mr. Jones who owns 53 Pennington Road and is requesting that it be rezoned from commercial to residential. He wants to be able to make the site a rental property. Commissioner Pennamon opened the floor for those who are for the rezoning.

Mr. Elijah Jones he stated his address as 8293 Hwy 142, Shady Dale. He stated that he would like to transform the building to a three bedroom rental unit. He stated that there has been several things tried but neighbors continuously gets upset and nothing seems to work. He stated that he thinks that would be the best thing for the community.

Commissioner Pennamon opened the floor to anyone who may oppose the rezoning. None opposed.

The Public Hearing for the rezoning of 53 Pennington Road was closed at 6:07 p.m.

1. **A public hearing will be held for a rezoning at 600 Edwards Road Monticello, Ga 31064. The property is currently zoned Agricultural (AG) and the owner is requesting it to be rezoned to Manufacturing (M).**

Public Hearing number 2 began at 6:07 p.m. Mr. Sealy stated that application 2019-Z-001 from Mr. Barry is to rezone 3.97 acre of 8.97 to Manufacturing and keep the remaining 5 acres as agricultural. Mr. Sealy stated that they application went through the P & Z board which recommended approval three to one. Mr. Wyatt has an interest in putting storage units on the property.

Chairman Pennamon opened the floor for all in support of the rezoning to come forward. Mr. Barry Wyatt came forward in favor of the rezoning. Mr. Wyatt stated that his address is 11661 Hwy 83 South, Monticello. He stated that he did some research and it seems that there is a purpose and a need for more storage in the area. He stated that KEM is just a few yards up the road and the site is not far from the Industrial Park which is manufacturing.

Chairman opened the floor for anyone opposing the rezoning. There were none. The public hearing was closed at 6:10 p.m.

1. **A public hearing will be held for a Special Exception to build a conventional subdivision instead of a conservation subdivision. This property is located on the following Tax Maps: Tax Map 013B Parcel 009, Tax Map 013C Parcel 047, and Tax Map 013C Parcel 046A. This property is located at the intersection of Ga Hwy 212 West and Landers Lane.**

Public Hearing number 3 opened at 6:10 p.m. Mr. Shane Sealy stated the application 2019-SE-001 was submitted by Nick Platek. Mr. Platek purchases 67 acres at the corner of Landers Lane and Hwy 212 North. He owns Tax Maps: Tax Map 013B Parcel 009, Tax Map 013C Parcel 047, and Tax Map 013C Parcel 046A. Mr. Platek is requesting to build a conventional subdivision instead of the required conservation subdivision. The P& Z Board heard this application on October 24th, 2019. It failed with a 2-2 vote. Mr. Sealy turned the remainder of the Public hearing to the county attorney.

Mr. Ozburn stated that he was asked to take a look at the current legal status Conservation Ordinance (2008) that everyone refers to. He said that there has been a lot of changes to the ordinances over the years. The original ordinance that is applicable here was originally passed in 2005. There is a 2008 text amendment which made changes to the 2005 ordinance. He stated that major subdivisions are defined consistently throughout all of the ordinances as a subdivision where there will be at least four parcels of the subdivision for development. In 2009 there was a zoning ordinance put in place by the county that did not change that status. He stated that in 2012 the County Board of Commissioners adopted a codification of the county ordinances. All ordinances were pulled in under the Code of Ordinances of Jasper County (criminal, development, zoning, etc). There are conflicting provision in the code. He stated that the general law in the state as a regulation of property rights zoning ordinances are strictly construed to mean exactly what’s on paper. They are construed in favor of the property owners and against cities and counties who are trying to enforce those ordinances. He stated that in his legal opinion, given the ambiguity and conflicting provisions that are in the current code is not enforceable as it is.

Chairman Pennamon opened the floor to anyone in favor of the Ordinance.

Mr. Nick Platek stood in favor of the Exception. He stated that he closed on the land in 2018. He stated that the major difference in the Conventional and conservation subdivision is the amount of green space, 40% requirement of conservation. That limits them in a huge way of that they could do with the property. He stated that they want the lots to be fairly large. They are proposing 22% green space. He stated that they have reached out to some of the neighbors.

Ms. Sherry Benton, 281 Landers Way, asked about the size of the homes. Mr. Platek responded that they are still working on it, but he couldn’t see anything less than 2100 square feet. The lake lots would be premium. There won’t be any manufactured homes or double-wides.

Chairman Pennamon opened the floor to anyone opposing the Exception.

Mr. Bill Nash (559 Chickadee) stood in opposition. Mr. Nash stated that he really don’t have an objection. He stated that previous Commissioners left some housekeeping. It seems that you may have to have a moratorium on subdivision changes until you figure it out.

Commissioner Jernigan motioned to come out of the Public Hearing and go back into regular session at 6:26 p.m., Commissioner Stunkel seconded, passed unanimously.

Commissioner’s Items:

**Commissioner Jernigan**- None

**Commissioner Henry -** None

**Commissioner Pennamon-** Commissioner Pennamon noted that the packages are 90 pages and we have to print 10 copies. He asked the board to consider only having the clerk to print the agenda. The rest will be sent by email.

**Commissioner Stunkel-** None

**Commissioner Luke-** None

Presentations/Delegations:

None

**Regular Agenda:**

**Old Business:**

**Item 1: 2020 GDOT LMIG Application:**

Mr. Benton stated that we have two meetings where we have been discussing the 2020 GDOT LMIG application, we’ve made progress, and we have identified the road and the type of paving. Today’s meeting we will focus primarily on the cost side of things.

GDOT 2020 LMIG Funding $613,916

County 30% Match from SPLOST $184,175

Total 2020 LMIG Project $798,091

Mr. Benton stated that during our last meetings he made it known that we have previous LMIG came in under budget, and with that we have some required match spending on those for GDOT rules. He stated that it turns out that we even have a small amount left from the 2018 LMIG.

Potential Combined Total:

GDOT 2020 LMIG Funding $613,916

County Required 30% Match from SPLOST $184,175

2018 Remaining Matching Required Expenditures $ 4547

2019 Remaining Required Matching Expenditures $ 70,343

Grand Total $ 872,981

Mr. Benton asked Mr. Jordan how far the $872,981 would take us with paving. Mr. Jordan stated that it would take us roughly 2.85 based on our estimated construction cost. That would be from Jefferies road where we ended the last time to about a half mile short of Pitts Chapel Road. This would leave about 1.3 miles to pave.

Chairman Pennamon stated that he suggest going ahead with doing what we can with the current funding available. He also suggest completing Post Road in 2021.

Commissioner Luke made the motion to submit the application for the 2020 funding based on LMIG and regular match, Commissioner Stunkel seconded the motion, passed unanimously.

**Item 2: Jasper County Courthouse Roof Repair Project:**

Mr. Benton stated that we all know that the courthouse needs some repair. The roof is where we start. He ask for direction for the next step. Chairman Pennamon suggested that we go ahead and get some firm. He asked if we could get more quotes. Commissioner Henry stated that we have some exterior of the building that needs water proofing.

Commissioner Stunkel motioned that we have the county manager to engage for pricing one or more Architects for building envelop. The motion was seconded by Commissioner Henry, passed unanimously.

New Business:

**Item 1: Rezoning Request - 53 Pennington Road from Commercial (C-2) to Residential (R-1**):

Chairman Pennamon asked if there were any additional questions from the board. Commissioner Henry made the motion to approve the rezoning request. The motion was seconded by Commissioner Luke, passed unanimously.

**Item 2: Rezoning Request - Portion of 600 Edwards Road from Agricultural (AG) to Manufacturing (M):**

Commissioner Luke to rezone a portion of 600 Edwards Road from Agricultural to Manufacturing for the purpose of mini storage or any warehouse storage facility barring hazardous waste. The motion was seconded by Commissioner Stunkel, passed unanimously.

Commissioner Jernigan questioned if we allow the manufacturing would Mr. Wyatt be required to put the storage facility there or can he put anything that falls under manufacturing. Mr. Ozburn stated that if you do not put any conditions on the zoning and grant rezoning, anything that falls under that classification can go there. Commissioner Jernigan asked Mr. Wyatt if he was positive that he wasn’t going to put anything there besides the storage facility. Mr. Wyatt stated that his plan is just the storage facility.

Commissioner Luke questioned if the rezoning would follow the land. Mr. Ozburn stated that the zoning follows the land. If you don’t put any contingencies on it, it could not be done later. Mr. David Dyer stated that there is insufficient storage in the area.

**Item 3: Request for Special Exception - Develop a Conventional Subdivision instead of a Conservation Subdivision at Intersection of SR 212 West and Landers Lane:**

Chairman Pennamon stated that he would turn this portion over to county attorney Mr. Ozburn. Mr. Ozburn stated that based on his legal conclusion the board does not have to vote on the special exception application because the ordinance is currently unenforceable. He also stated that the board could consider tabling the item until the next meeting.

Commissioner Pennamon questioned if we could still approve with the condition of the request of 22% green space.

Mr. Ozburn stated that that is an option. Commissioner Luke stated that he would like a thumbs up or thumbs down from the Planning and Zoning Board. Commissioner Henry asked to be updated on the Special Exception Situation. Mr. Ozburn obliged by giving the background of the Special Exception. Commissioner Pennamon stated that if the request goes back to the Planning and Zoning Board they will not be able to vote on it either based on the legality of the ordinance.

Commissioner Stunkel posed the question to Mr. Platek of whether he would have any additional restrictions in addition to the 22% on the individual lots for percentages to be left untouched. Mr. Platek stated that with the lake lots there are restrictions by Georgia Power already on the lots. He stated that once they are able to move forward they would look at the zoning restrictions for that residential zoning and abide by that.

Commissioner Pennamon stated that he feels we need to move forward with the legal advice that has been given. A request should be made with Planning and Zoning that they update the ordinance to meet the conservation and put it in Municode.

Commissioner Stunkel motioned that Planning and Zoning along with the County Attorney work to protect the 2008 zoning ordinance on conservation subdivision, Commissioner Luke seconded the motion.

Commissioner Pennamon clarified that this does not hinder Mr. Platek from moving forward. Commissioners Luke, Stunkel, Pennamon, and Jernigan, were for the motion. Commissioner Henry opposed the motion. Motion passed 4 to 1.

**Item 4: Recreation Board Appointment:**

Mr. Benton stated that we have one opening on a nine member board. This term will end July 2020. The staff advertised and we have five interested in the position. None of the interested citizens were available to be at the meeting.

Commissioner Jernigan made a motion to table the appointment until the next meeting. Commissioner Henry seconded the motion, passed unanimously

**Item 5: Facility Use Request – American Legion Post #110:**

Post Commander Fred Paul distributed folders to each of the commissioners. He stated that he was here to request a special permit for a special event. He stated that he was told that the post needed an insurance policy for $1 Million, which he provided a copy of. He stated that the post is required to have a range master, Mr. Billy Williamson’s information is in the folder for this requirement. He stated that Mr. Donnie Pope has been a great helping him get this event together. The event is a Turkey Shoot which will be held at the Jasper County Recreation department. They are requesting to do this event on November 23rd. All funds will go to a Memorial Fund.

Commissioner Jernigan motioned that the request by the American Legion Post #110 be granted to use the Jasper County Recreation Department for the Turkey Shoot fund raiser on November 23rd, 2019. The motion was seconded by Commissioner Henry, passed unanimously.

**Item 6: Memorandum of Agreement with Northeast Georgia Regional Commission – Jasper County Pre-Disaster Mitigation Plan Update:**

Mr. Benton stated that each county in the state of Georgia is required to update its Pre-Disaster Mitigation Plan every 5 years. Our current plan expires May 2020. We have reached out to the Regional Commission and they have agreed to assist us in updating our plan. The plan is a 200 page document. Their charge is $16,000. We worked with the EMA director to apply for a federal reimbursement grant to help cover the cost. The application was approved. Our portion is 15% which is $2,400.

Commissioner Jernigan made the motion to authorize Chairman to sign the Memorandum of Agreement with the Northeast Georgia Regional Commission to assist in the development of an updated Pre-Disaster Mitigation Plan. The motion was seconded by Commissioner Stunkel, passed unanimously.

**Item 7: Language Access Plan Update – 2019 CDBG Requirement:**

Mr. Benton stated that we applied for and were granted the CDBG grant for improvements for our Jasper County Health Department. Our goal is to make our programs available to non-English speaking people. That is what this update attempts to do.

Commissioner Henry motioned to auhorize the Chairman to sign the resolution and adopt the attached updated 2019 Jasper County Language Access Plan. Commissioner Jernigan seconded the motion, passed unanimously.

**Item 8: Fiscal Year 2020 DHS Family Connection Budget Amendment:**

Mr. Pate stated that 2020 budget amount for Family Connection was originally slated to be $50,000. The governor called for a 4% cut on that contract so the actual amount will be $48,000. Mr. Pate stated that we are seeking the approval of the board to for the Chairman of the board to execute the budget amendment in the amount of $48,000 for the FY 2020 contract.

Commissioner Jernigan motioned to approve Chairman to sign budget amendment for a total budget amount of $48,000.00 for the FY2020 Family Connection contract. Commissioner Luke seconded the motion, passed unanimously.

**Item 9: New Bank Account for the 2019 CDBG Grant - Health Department:** Commissioner Pennamon stated that with the new CDBG grant we have to open a new bank account. We cannot use the 2017 account that was created. Mr. Pate stated that we are seeking the board’s approval for the chairman to sign a new bank account agreement. He stated that we are proposing to bank with the Bank of Monticello. It is required to be a non-interest bearing account. It will be used to receive draw down funds and to pay vendors.

Commissioner Jernigan motioned to authorize Chairman to sign the Bank of Monticello new account agreement. Commissioner Stunkel seconded the motion, passed unanimously.

**Item 10: FY 2020 1st Quarter Financial Report:**

Mr. Pate stated that the first quarter FY 2020 financial report was in the packet. The revenue section is budgeted for $10,812,000 we ended the first quarter at $3,981,000. On the expense side we budgeted $11,184,000 we ended the first quarter with $2,399,000. Both revenues and expenses are in trend with where we should be for the year.

**Item 11: Human Resources Report:**

Ms. Robinson discussed the Human Resource report for July 1st through September 30th, 2019. We are continuously recruiting for the Paramedics and EMTs. There were two new part-time hires for the Senior Center. Recreation Department had two full-time hires. The Sheriff and Jail filled two full-time positions. Fire & Rescue filled one part-time position. During this period we had 109 full-time employees and 41 part-time employees.

**County Attorney Items: None**

**County Manager Items**:

Mr. Benton stated that the Pitts Chapel Bridge is scheduled to start in January and be completed in April. He stated that we will start looking at more submission for the low-impact bridge program. He stated that Mid-State representative stated they will be making progress once the weather cooperates.

Chairman Pennamon stated that he has received calls about Cedar Creek Bridge which is in a curve and does not have side rails and a 20-25 ft. drop off.

Mr. Benton stated that it would be a concrete bridge.

**Citizens Comments:**

William L. McDowell, Shoreline Drive; he is concerned about neighbors who are not taking care of their property.

**Executive Session:**

Commissioner Henry motioned to go into Executive session at 7:44 pm to discuss potential litigation. Commissioner Jernigan seconded the motion, passed unanimously.

Commissioner Stunkel motioned to come out of Executive Session at 8:15 pm. Commissioner Jernigan seconded the motion, passed unanimously.

Adjourn:

Commissioner Stunkel motioned to adjourn the meeting at 8:15 pm. Commissioner Jernigan seconded the motion, passed unanimously.

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Carl Pennamon, Chairman

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Sharon Robinson, Clerk