Jasper County Board of Commissioners December 6, 2021 Regular Meeting Minutes 6:00 P.M.

Chairman Henry called the meeting to order at 6:00 p.m.

Commissioners Present: Bruce Henry, Chairman, Gerald Stunkel, Vice-Chairman, Don Jernigan, Sheila Jones and Steven Ledford.

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

Pledge of Allegiance:

Invocation: Commissioner Don Jernigan

<u>Agenda Approval:</u> Commissioner Stunkel suggested that we move Item #6 down to become item# 13. He also stated that under item #5 we will address the Rock Quarry and Adult Entertainment. Commissioner Ledford motioned to approve the agenda with the changes. Commissioner Stunkel seconded the motion, passed unanimously.

Consent Agenda:

Commissioner Jernigan motioned to approve the Regular minutes for November 1, 2021 as presented. Commissioner Ledford seconded the motion, passed unanimously.

Commissioner Jernigan motioned to approve the Public Hearing and Work Session minutes for November 22, 2021 as presented. Commissioner Jones seconded the motion, passed unanimously.

Commissioner Stunkel motioned to approve Check Register Check #s- 62950-63263. Commissioner Ledford seconded the motion, passed unanimously.

<u>Public Hearing</u>: Commissioner Jernigan motioned to go into the Public Hearing at 6:04 p.m. Commissioner Jones seconded the motion, passed unanimously.

Planning and Zoning Director Shane Sealy discussed application 2021-ORD-001 the County is wanting to make changes to some ordinances. There are 10 total.

- 1) Residential Lake Zonings (RL) To do away with RL1, RL2, RL3 (based on acreage) zonings and have just RL zoning and make a one acre minimum lot size in this zoning.
 - P&Z Board recommendation approval 4-0.
- 2) Preliminary Plat Currently the preliminary plat goes in front of the Planning and Zoning Board only for approval. Looking at the preliminary plat going in front of the Planning and Zoning Board for recommendation and then to the Board of Commissioners for approval or denial.
 - P&Z Board recommendation approval 4-0. The board discussed making the requirement a one acre minimum.
- 3) Attached are the setback items to be removed in yellow. The main reason is contradicting info in the ordinance.
 - P&Z Board recommendation approval 4-0.

Bill Nash of Chickadee Court stated that he proposed to make the ordinance clearer of what can and cannot be included.

- 4) Sec 105-126 (13) in the ordinance Curb and Gutter construction is required for development where the majority of lots (excluding cul-de-sac lots) have less than 125' of road frontage. The minimum road frontage is 125' in Residential (R-1) and Residential Lake (RL3) where it used to be 100'.
 - P&Z Board recommendation To up the 125' road frontage to 150' for the curb and gutter.
- 5) To add to the ordinance an age limit for modular homes to be brought into the County. 10 years or newer.
 - P&Z Board recommendation approval 3-1.
- 6) Planning and Zoning and Board of Appeals. In the ordinance a quorum is a minimum of three but does not state on the voting decision as it states for the Board of Commissioners "a quorum is three, and they must concur to pass any order or decree". To add this to the Planning and Zoning Board and Board of Appeals section.
 - P&Z Board recommendation approval 4-0.
- 7) In Sec 105-28 General Definitions:

Change from:

"Setback means a minimum distance from the centerline of the right-of-way for construction of buildings or foundations.

Change To:

Setback means a minimum distance from the centerline of the right-of-way, side property line, or rear property line, for any construction except septic systems, storm drainage structures, private drives, sidewalks, on grade-patios without foundations, fences, retaining walls, and cantilevered roof overhangs. P/Z Board recommendation – approval 4-0.

- 8) If subdivision is going to have private covenants, they need to be presented at the time the preliminary plat is presented.
 - P&Z Board recommendation approval 4-0
- 9) To require Residential (R1) zoned properties to have a one acre minimum.
 - P&Z Board recommendation approval 4-0.
 - Mr. Stan asked a question whether it will be clear about water and/or sewer.
- 10) In the Conservation Subdivision ordinance it requires areas with greater than 25% slope or greater to be included in the open space.
 - P&Z Board recommendation 4-0 to remove the 25% slope in the conservation ordinance section.
- 11) Part of this Public Hearing is to put a moratorium Rock Quarry and Adult Entertainment as permitted use on the Special Use Table.

Commissioner Ledford motioned to come out of Public Hearing at 6:25 p.m. Commissioner Stunkel seconded the motion, passed unanimously.

Presentations/Delegations- None

Citizens Comments:

Frances Lane Bells – He have questions and comments about Jasper County taxes. He ask if the county has a long-term plan. He asked if it is legitimate to put the county in debt with a bond for the expansion of the jail. He stated that 1700 square feet is too much for homes. This causes our children and grandchildren to have to go to other counties to build homes that they can afford.

Stan Studdard- Lives on Long Piney Road. Stated that he hopes the ordinances are clear 15 years from now. There should be no loop holes.

David Shepard- Goolsby Road- He stated that in 2019 he informed Mike about the drilling going on. Any loopholes need to be closed. He suggested that the board looks up Atlantic Coast Conservancy they own the surrounding property.

Lee Jordan- Goolsby Road- We should make it uninviting for people to think about having a rock quarry. He stated that he would like the traffic slowed down on Goolsby Road.

County Commissioner's Items:

Commissioner Ledford- None

Commissioner Stunkel- None

Commissioner Jernigan- None

Commissioner Jones- None

<u>Chairman Henry</u>- State that it is good to see a big crowd.

Regular Agenda:

Item 1: Language Access Plan Update- Adoption: Mike Benton stated that it is our county policy to comply with all federal regulations administration of federal grants. We have updated the language to basically say that we will accommodate limited English speaking persons as needed. Commissioner Stunkel motioned to approved the adoption of the updated 2021 Jasper County Language4 Access Plan and authorize Chairman to sign resolution #2021.12.06A. Commissioner Ledford seconded the motion, passed unanimously.

Item 2: Clerk of Superior Court Scan/Index of Records 1960-1979 Project: Leann Airington, Clerk of the Superior Court stood before the board to request some American Rescue Funds. She wants to use it to digitize all of the deed records (have them scanned and indexed). She stated that if there is any type of fire our current records will be gone. We charge .50 per copy for printed copies currently. If we digitize all records would have to be paid for which comes back to the county. She stated that it would cost about \$64,350. The company that we currently work with and is integrated with our site already provided her with the quote.

Chairman Henry stated that with that amount of money he would like to see quotes.

Leann stated that she understands. She also stated that we can get other quotes but most likely the current quote will be the best because the company is already integrated into our system. Any new company would have to be integrated and they would have to give the records to their current company.

Commissioner Jernigan asked how rough of an estimate the number that she gave is.

Leann stated it can be plus or minus \$1,000.

Commissioner Stunkel motioned to table the approval until a later meeting with more information. Commissioner Ledford seconded the motion, passed unanimously.

Item 3: 2022 Alcohol License Renewals:

- **Tyson's Country Store, Application number 2022-A-001** located at 22044 Hwy 11 North. Name of applicant: Lisa Whitaker Wilkerson Retail sales of beer and wine Renewal
 - Commissioner Stunkel motioned to approve. Commissioner Ledford seconded the motion, passed unanimously.
- Frank's Restaurant, Application number 2022-A-002 located at 11818 Hwy 212 West Covington, Ga 30014. Name of applicant: Vivian Castellana Fuller Pouring license for distilled spirits, beer, and wine. Renewal
 - Commissioner Stunkel motioned to approve. Commissioner Ledford seconded the motion, passed unanimously.
- Lakeview Marina, Application number 2022-A-003 located at 8726 Jackson Lake Road Monticello, Ga 31064. Name of applicant: Shabanali Jabbarcheloei Retail sales of beer and wine Renewal
 - Commissioner Ledford motioned to approve. Commissioner Stunkel seconded the motion, passed unanimously.
- Lakeview Restaurant, Application number 2022-A-004 located at 8726 B Jackson Lake Road Monticello, Ga 31064. Name of applicant: Shabanali Jabbarcheloei Pouring license for distilled spirits, beer, and wine. Renewal
 - Commissioner Stunkel motioned to approve. Commissioner Jones seconded the motion, passed unanimously.
- Convenience Stores, Inc dba Larry's 4 way, Application number 2022-A-005 located at 9160 Hwy 212 West Monticello, Ga 31064. Name of applicant: Joann Hedrick Retail sales of beer and wine. Renewal
 - Commissioner Ledford motioned to approve. Commissioner Jones seconded the motion, passed unanimously.
- Turtle Cove POA, Application number 2022-A-006 located at 222 Clubhouse Drive Monticello, Ga 31064. Name of applicant: David M. Levee Pouring license for distilled spirits, beer, and wine. Renewal. They had two calls one for intoxicated driver and the other for intoxicated pedestrian.
 - Commissioner Jernigan motioned to approve. Commissioner Jones seconded the motion, passed unanimously.
- Bear Creek Marina, Application number 2022-A-007 located at 60 Bear Creek Marina Road Mansfield, Ga 30055. Name of applicant: Don Wright - Pouring license for distilled spirits, beer, and wine. – Renewal
 - o This application was withdrawn due to being bought sold.
- Sac-0-Suds, Application number 2022-A-008 located at 54 Hwy 16 W Monticello, Ga 31064. Name of applicant: Cholista Ann Owens Retail sales of beer and wine Renewal
 - Commissioner Jernigan motioned to approve. Commissioner Stunkel seconded the motion, passed unanimously.

- **Shane One Stop, Application number 2022-A-009** located at 8541 Hwy 142 Shady Dale, Ga 31085. Name of applicant: Gautamkumar Patel Retail sales of beer and wine. Renewal
 - Commissioner Ledford motioned to approve. Commissioner Stunkel seconded the motion, passed unanimously

Item 4: 2022 Digest Changes- Tax Assessor: Lynn Bentley stood before the board. She stated that the board of Assessors thought that it would be a good idea to give the Board of Commissioners a heads up about the numbers she is looking at right now. She stated that the real estate market is unbelievable. She stated that there have only been 3 years where we had double digit change. There are homes that were purchased in 2020 and resold in 2021 for 20% more. We are seeing small tracts being sold for \$10,000 on the North side of the county. Turtle Cove Lakefront sales are over a half million for average size houses. The big houses are going for \$600K & \$700K. We have had some commercial change this year. She stated that her office is required by GA law to be at fair market value. If we are not at fair market the county will get a penalty and be fined.

Chairman Henry stated that we spoke about doing a homestead freeze and ask if now would be a good time to revisit it.

Lynn stated that there is no way of getting it in time for 2023 digest.

Item 5: Jasper County Code of Ordinance Changes:

- 1) Residential Lake Zonings (RL) To do away with RL1, RL2, RL3 (based on acreage) zonings and have just RL zoning and make a one acre minimum lot size in this zoning.
 - P&Z Board recommendation approval 4-0.

Chairman Henry asked if water and sewer have anything to do with that.

Shane stated not really. This refers to lake lots only.

Commissioner Stunkel motioned to approve. Commissioner Ledford seconded the motion, passed unanimously.

- 2) Preliminary Plat Currently the preliminary plat goes in front of the Planning and Zoning Board only for approval. Looking at the preliminary plat going in front of the Planning and Zoning Board for recommendation and then to the Board of Commissioners for approval or denial.
 - P&Z Board recommendation approval 4-0. The board discussed making the requirement a one acre minimum.
 - Chairman Henry stated that in the past the builder would submit a preliminary plat and we would approve them. If the builder doesn't follow the plat then the BOC does not have to accept it. Commissioner Ledford motioned to approve. Commissioner Ledford seconded the motion, passed unanimously.
- 3) Attached are the setback items to be removed in yellow. The main reason is contradicting info in the ordinance.

a.

- 1) Sec 119-380 General Yard Modifications Take out the yellow highlighted in sections 3-6
- (b) An open, unroofed porch may project into a required side yard to a point not closer than five feet from any side lot line.
- E In a residential district, no required yard except the rear yard shall be used for the location of a private swimming pool, and no mechanical appurtenance or pool shall be within ten feet of any lot line.

G – For a property with an existing single-family dwelling that does not meet the present minimum side yard requirement the zoning administrator is authorized to allow the enlargement or extension of the dwelling under the following conditions:

The enlargement or extension does not encroach in the side yard to any greater degree than the existing dwelling.

The enlargement or extension does not encroach into any required front or rear yard.

There is a minimum distance of ten feet between the dwelling and the principal building on the adjacent property.

- 2) Sec 119-381 Front Yard Modifications-
- 6 Service station pumps and pump islands may be located within a required front yard provided they are at least 15 feet from any right of way.
- 3) Sec 119-382 Rear yard modifications and regulations.
- 2 Accessory buildings shall be located in a rear yard and shall not occupy more than 30 percent of the required rear yard. They shall not be nearer than three feet to any side or rear lot line, except that when a garage is entered from an alley it shall be located at a distance either of five feet to the alley line (allowing no parking outside the garage) or at least 18 feet from the alley line to facilitate parking outside the garage that does not interfere with alley traffic.
- 4) Sec 119-384 -
- B In R-1 districts, side yards may be reduced to seven feet for portion abutting a carport or garage.

The Planning and Zoning Board recommended that the highlighted sections above to be removed from the ordinance. These sections contradict on what the Development Standards Table (Section 119-244) state on setbacks.

• P&Z Board recommendation – approval 4-0.

Commissioner Jernigan motioned to approve. Commissioner Stunkel seconded the motion, passed unanimously.

- 4) Sec 105-126 (13) in the ordinance Curb and Gutter construction is required for development where the majority of lots (excluding cul-de-sac lots) have less than 125' of road frontage. The minimum road frontage is 125' in Residential (R-1) and Residential Lake (RL3) where it used to be 100'.
- P&Z Board recommendation To up the 125' road frontage to 150' for the curb and gutter. Chairman Henry stated that we need to decide if we want to go with that.

Commissioner Ledford motioned that all lots in new subdivision be required to have curb and gutter. Commissioner Stunkel seconded the motion, passed unanimously.

- 5) To add to the ordinance an age limit for modular homes to be brought into the County. 10 years or newer.
 - P&Z Board recommendation approval 3-1.

Commissioner Stunkel asked how often does this happen. Shane responded about 10 per year. Right now there are not age restrictions.

Commissioner Ledford motioned to approve. Commissioner Stunkel seconded the motion, passed unanimously.

Commissioner Stunkel requested that the P&Z board visit putting and a stipulation for how many times a mobile home can be moved.

- 6) Planning and Zoning and Board of Appeals. In the ordinance a quorum is a minimum of three but does not state on the voting decision as it states for the Board of Commissioners "a quorum is three, and they must concur to pass any order or decree". To add this to the Planning and Zoning Board and Board of Appeals section.
 - P&Z Board recommendation approval 4-0.

Commissioner Stunkel motioned to approve. Commissioner Ledford seconded the motion, passed unanimously.

7) In Sec 105-28 – General Definitions:

Change from:

"Setback means a minimum distance from the centerline of the right-of-way for construction of buildings or foundations.

Change To:

Setback means a minimum distance from the centerline of the right-of-way, side property line, or rear property line, for any construction except septic systems, storm drainage structures, private drives, sidewalks, on grade-patios without foundations, fences, retaining walls, and cantilevered roof overhangs. P/Z Board recommendation – approval 4-0.

Commissioner Stunkel motioned to approve. Commissioner Ledford seconded the motion, passed unanimously.

- 8) If subdivision is going to have private covenants, they need to be presented at the time the preliminary plat is presented.
 - P&Z Board recommendation approval 4-0

Commissioner Jernigan motioned to approve. Commissioner Jones seconded the motion, passed unanimously.

- 9) To require Residential (R1) zoned properties to have a one acre minimum.
 - P&Z Board recommendation approval 4-0.

Commissioner Ledford motioned to require a two acre minimum for R1 zoning. Commissioner Stunkel seconded the motion, passed unanimously.

- 10) In the Conservation Subdivision ordinance it requires areas with greater than 25% slope or greater to be included in the open space.
 - P&Z Board recommendation 4-0 to remove the 25% slope in the conservation ordinance section.

Chairman Henry stated that he is still trying to understand this.

As of right now the 25% slope has to be included in the greenspace.

Commissioner Stunkel asked why are we even addressing this since it doesn't meet health standards and most builders aren't going to create it as a lot why are we making it a possibility.

Commissioner Stunkel motioned to approve. Commissioner Ledford seconded the motion, passed unanimously.

11) Rock Quarry and Adult Entertainment deleted as permitted use on the Special Use Table.

Commissioner Jernigan motioned to place a 90-day moratorium on Rock Quarries and Adult Entertainment. Commissioner Ledford seconded the motion, passed unanimously.

<u>Item 7: Sheriff's Office & Jail Expansion Project Approval Process</u>: Chairman Henry stated that we have received invoices that are less than \$10K. To speed up the payment process we can either wait until a board meeting or give an approval for a set amount to the chairman of the BCO and the chairman of the PFA to get together and approve and then present at the next meeting.

Commissioner Ledford motioned to approve the BOC Chairman and the PFA Chairman to approve invoices up to \$50,000 and give updates to the rest of the board at the following meetings. Commissioner Jernigan seconded the motion, passed unanimously.

Commissioner Stunkel motioned to approve payment of Precision Planning Inc. invoice #66001 in the amount of \$9920.38 and Invoice #66280 in the amount of \$8489.38. Commissioner Jernigan seconded the motion, passed unanimously.

<u>Item 8: Sheriff's Office & Jail Expansion Project- Geotechnical Services Contract Award:</u> Mike Benton stated that Precision Planning suggested Geo-Hydro be awarded the bid because they are below price and they have in-house utility location.

Commissioner Stunkel motioned to award Geo-Hydro Engineers, Inc. the Geotechnical Services Contract Award for the Sheriff's Office Expansion Project. Commissioner Jernigan seconded the motion, passed unanimously.

Item 9: 2021 Capital Improvements Element Annual Update:

Mike Benton stated that we had comments at the Public Hearing. He stated that we need to either corporate any of the comments or let them go.

A Public Hearing was held on November 22, 2021, one citizens comments were as followed:

- Community Facilities Perform water sewer facility upgrades There should not be any local money
 going towards the Water and Sewage Authority. -- Commissioner Stunkel stated that if we do that it may
 preclude the county from either procure a loan or loaning money on a short term basis to help water and
 sewer expand to service more of the county. Our job is to make sure that these boards are able to meet
 the needs of the community.
- Community Facilities Review and update Jasper County's Code of Ordinances add text "Change the codes to protect our property values." –leave as is
- Community Facilities Community Resource Center (Food Bank) Remove local Funding of Food Bank. - leave
- Economic Development Study local economic characteristics and conditions Potential Economic Diversification will all growth be tech and green?- Add emphasis to tech and green
- Economic Development Utilize Future Land Use Map don't want to change the land use map to make it less rural. Commissioner Stunkel stated that we are very limited because so much of our land is federal or state.
- Economic Development Create Additional Industrial Park questioned the need more land for an Industrial Park.- Commissioner Stunkel stated that our long-term plan is to develop a 1600 acre industrial park that is already in the works.
- Housing Develop a strategic plan to work with neighborhood groups strengthen the code and refuse to allow Section 8 housing and other uses in subdivisions and neighborhoods.- Attorney Ozburn stated that Section 8 is federal law. There are things that make it less attractive but you cannot target it directly.

• Land Use- Utilize the Future Land Use Map - our county is rural want to keep it that way. Don't want more density, more traffic, large manufacturing plants, rock quarries, or Amazon Warehouses.- Leave as is.

Commissioner Ledford motioned to approve Resolution #2021.12.06B authorizing the Draft Update of the Annual Capital Improvements Element and Short Term Work Program for FY 2021 be submitted to the Northeast Georgia Regional Commission for review and then forwarded to the DCA for State Review with the presented changes. Commissioner Stunkel seconded the motion, passed unanimously.

<u>Item 10: Impact Fee Service Area Review:</u> Chairman Henry stated that we had spoken about taking the money from the Jail and Sheriff's Office and put that towards Roads and Bridges. Since then someone has mentioned allocating some to Animal.

Commissioner Stunkel stated that the current funds that are there are already allocated so if we do not add it will not hurt anything.

Commissioner Stunkel motioned that we leave all the other areas as they are and changing the jail portion to go to our Animal Control Department and the Jail's 22% to go to Roads and Bridges as of January 1, 2022. Commissioner Ledford seconded the motion, passed unanimously.

<u>Item 11: Human Resources and County Boards Report:</u> HR Director Sharon Robinson gave the Human Resources and County Boards quarterly report.

Commissioner Stunkel motioned that Steve Jordan be reappointed to the JDA. Commissioner Jernigan seconded the motion, passed unanimously.

Item 12: 2022 Meeting Dates:

Ms. Robinson noted the following Regular Meeting Dates for 2022.

Monday, January 3rd

Monday, February 7th

Monday, March 7th

Monday, April 4th

Monday, May 2nd

Monday, June 6th

Monday, July 11th

Monday, August 1st

Monday, September 12th

Monday, October 3rd

Monday, November 7th

Monday, December 5th

Commissioner Ledford motioned to approve the 2022 Meeting Dates. Commissioner Jernigan seconded the motion, passed unanimously.

Item 13: 2022 Tentative Holidays:

Chairman Henry stated that we have only been having 13 paid holidays and we are going to keep it at 13 paid holidays. The new one that was added was Juneteenth. Instead of giving 14 have employees to choose between the day after Thanksgiving and Juneteenth.

Commissioner Jernigan asked how long it would take to poll the employees which holiday they would want.

Chairman Henry ask what will you do with that information.

Ms. Robinson made the suggestion of removing Good Friday.

New Year's Day Friday, December 31, 2021
Martin Luther King Day Monday, January 17, 2022
President's Day, Monday, February 21, 2022
Memorial Day Monday, May 30, 2022
Juneteenth, Monday, June 20, 2022
Independence Day Monday, July 4, 2022
Labor Day Monday, September 5, 2022
Columbus Day Monday, October 10, 2022
Veterans Day Friday, November 11, 2022
Thanksgiving Day Thursday, November 24, 2022
Day after Thanksgiving Friday, November 25, 2022
Christmas Eve (Observed), Friday, December 23, 2022
Christmas (Observed) Monday, December 26, 2021

Commissioner Stunkel motioned to approve the 2022 tentative holidays with Good Friday being removed. Commissioner Jernigan seconded the motion, passed unanimously.

Executive Session:

Commissioner Stunkel motioned to go into Executive Session for litigation and discussion for employment at 7:53 p.m. Commissioner Jernigan seconded the motion, passed unanimously.

Commissioner Stunkel motioned to exit Executive Session at 8:41 p.m. Commissioner Ledford seconded the motion, passed unanimously.

<u>Item 6: Opioid Litigation Update and Proposed Settlement</u>: Chairman Henry stated that there is an agreement that needs to be signed (MOU). This would set Mike Benton, County Manager as the representative of the county. Commissioner Stunkel motioned to approve the settlement of Jasper County's opioid claims and authorizing the Chairman to sign Resolution #2021.12.06C. Commissioner Ledford seconded the motion, passed unanimously.

Item 14: Schedule Work Sessions and Called Meetings as Needed: Mike Benton stated that we have a tentative onsite work session for Friday December 17th at 1 p.m. with Precision Planning at the Recreation Department. Redistricting needs to be discussed. We may need a called meeting on Monday, December 20th, we could have a Public Hearing on that day as well. Mr. Benton stated that our Retirement Specialist is available to come speak to us on December 20th as well. He stated that we need to have some discussion on the Future Land Use Map.

Commissioner Stunkel stated that we can hold off on the Future Land Use portion until he receives some information that he has requested.

County Attorney Items: None

<u>County Manager Items</u>: Building permits new permits November 2021 36, November 2020 we had 21. There were a total of 65 total 59 for last year. January through November new construction permits totaled 177 last year there were 136.

Mr. Benton stated that the General Manager for Jacks was at the First Friday Breakfast. He mentioned that they are hiring. They are looking to open February or March.

Commissioner Ledford thanked Michael Walsh for work that his department has done on Jackson Lake Road. +

Commissioner Jernigan stated that we need to get started on chip seal as soon as we can.

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motion, passed unanimously.
Bruce Henry, Chairman
Sharon Robinson, Clerk