

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

MEETING WAS HELD ON THE SECOND FLOOR OF THE ADMINISTRATION BUILDING.

PRESENT: Chairman Ben Riden, Jr., Vice-Chair Bill Kurtz, Commissioners Philipp von Hanstein, Donald Harris, and Blake McCormack.

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

The meeting was called to order at 5:00 p.m., followed by the Pledge of Allegiance and Invocation.

AGENDA APPROVAL

Motion by Commissioner McCormack, Seconded by Commissioner Kurtz to approve the agenda with the following additions: remove John Artz-Public Comments and change Scheduled Public Comments heading to Unfinished Business. Motion Passed Unanimously.

MINUTES

April 04, 2023 BOC Meeting

Motion by Commissioner McCormack, Seconded by Commissioner Harris to approve the minutes as presented. Motion Passed Unanimously.

BOARD OF ASSESSORS VACANCY

There is a vacant unexpired term on the Board of Assessors with term ending December 31, 2024. Three applications were received from Edna Gilbert, Terry Evans, and Bill Malone. This item was presented for discussion at the April 04, 2023 BOC meeting to allow time to review applications.

Commissioner Harris stated all three applicants are qualified for the position. He would like to see Edna Gilbert appointed but will go along with the majority vote.

Motion by Commissioner Kurtz, Seconded by Commissioner McCormack to appoint Bill Malone to the Board of Assessors to complete the unexpired term ending December 31, 2024. Motion Passed Unanimously.

HELEN COX-SUBDIVISION OF PROPERTY ORDINANCE APPEAL

Planning Director, Chuck Jarrell stated Ms. Cox resides at 1491 Mission Road. Her property consists of ten acres with 386.61 feet of road frontage on Mission Road. The subject property is currently zoned Agricultural Residential (AR), which requires a minimum of two acres and 300 feet of road frontage per lot. Ms. Cox wants to subdivide her lot for a family member but does not have the required road frontage to do so.

The family exemption was removed from the Development Regulations on April 6, 2021. This exemption allowed a property owner to subdivide a minimum acreage parcel per zoning with no road frontage for an immediate family member. This provision became problematic, so it was removed as an option.

Ms. Cox came before the Board of Commissioners a year ago requesting that she be able to split her property to build a new home and gift her existing home to one of her children.

At the direction of the Board, staff drafted new regulations to allow family divisions in the AG and AR districts to individuals that have owned their property for a minimum of 10 years. These regulations allow the property owner to subdivide their property one time into a maximum of five parcels to be gifted to family members to the third degree (Grandfather,

Grandmother, Father, Mother, Son, Daughter, Grandson or Granddaughter). These new regulations were approved by the Board on November 1, 2022.

Ms. Cox had the property subdivided into two tracts and recorded on December 5, 2022 without Planning and Development Approval. The plat recorded did not meet the requirements of the new regulations. A second plat was recorded, on February 3, 2023, of just the new plat where Ms. Cox's new home is to be built. This plat was recorded without Planning and Development approval. This stand-alone plat does not meet the requirements of the ordinance.

On or about March 14, 2023, Jarrell spoke with Ms. Cox concerning the plats and her desire to subdivide the property. Jarrell explained to her if she planned to subdivide the property to other children, she would need to subdivide into each child's name that she was going to gift property to at this time under the family division regulations. He further explained that she would not be able to subdivide the property in the future without having to install a public street if the property was not subdivided now. Ms. Cox stated that she was not ready to give property to her other children and she only wanted to build her new home at this time. She also stated that she would just have to appeal to the Commissioners at a later date. Jarrell approved a revised plat that was recorded on March 20, 2023 showing two lots, Ms. Cox's new lot and the remaining acreage attached to her existing home that she gifted to her son.

Helen Cox spoke before the Board regarding her appeal request. Ms. Cox stated that she did not understand she had to subdivide her property at the same time within a certain time period. She appealed to the Board to allow her to proceed with building her new home and subdivide her property to her children at a later time.

Motion by Commissioner von Hanstein, Seconded by Commissioner Harris to give a 90-day extension to allow time for Ms. Cox to complete the necessary process to subdivide her property. Commissioner Kurtz and Commissioner McCormack voted against the motion. Due to the tie vote, Chairman Riden voted against the motion. **Motion Failed-Request Denied 3-2.**

KAY HALBERT-SUBDIVISION OF PROPERTY ORDINANCE APPEAL

Planning Director, Chuck Jarrell stated he was first contacted by email by Mr. Halbert on August 24, 2020. Mr. Halbert sent a site plan and a Master plan for the subject property. Jarrell responded back to Mr. Halbert on August 24, 2020 with comments concerning this property and the issue of having more than one dwelling on a single property.

Mr. Halbert was told by staff that the County was looking at making changes to the ordinance that would possibly affect required road frontage long before the new language was adopted. Staff had relayed to Mr. Halbert that he may want to subdivide the property before the changes were adopted.

The Board of Commissioners adopted new language on April 6, 2021 increasing the required road frontage from 150 feet to 300 feet.

Jarrell stated that Mr. and Mrs. Halbert knew the requirements from the very beginning that they could not have two principal dwellings on the same property. Mr. and Mrs. Halbert were warned that changes were coming, and they did not subdivide the property prior to the regulations changing. Mr. and Mrs. Halbert signed an affidavit stating they would remove the existing manufactured home from the property once their new home was completed or they would purchase additional road frontage to subdivide the property per the requirements of the regulations of 300 feet per lot to accommodate the two homes.

The Halbert's spoke before the Board. They appealed to the Board to grant them a variance to allow them to keep the mobile home on their property to house Ms. Halbert's aging parents and mentally disabled brother. The Halbert's stated that removing the mobile home would cause great financial hardship as well as emotional stress.

Motion by Commissioner McCormack, Seconded by Commissioner Kurtz to deny the variance request. Motion Passed Unanimously.

FY23 ARPA CONTRACT

This request is for approval of the FY2023 American Rescue Plan (ARPA) Contract. The contract is for the period of January 1, 2023 through September 30, 2024. Funding is for home delivered meals and telephone reassurance/supportive services for elderly people.

Motion by Commissioner von Hanstein, Seconded by Commissioner Harris to approve the SFY2023 American Rescue Plan (ARPA) Contract. Motion Passed Unanimously.

2023 COUNTY ROAD RESURFACING

On March 15, 2023, an RFP was issued for resurfacing approximately 11.5 miles of roadway throughout Morgan County. On April 14, 2023, an official bid opening was conducted, and the following recommendation is being made:

Pittman Construction Road Resurfacing: Amount not to exceed \$2,722,453.
The Scruggs Company Surface Treatment: Amount not to exceed \$470,600.

This pricing does include an additional 2.51 miles of roadways throughout the municipalities of Buckhead, Madison, and Rutledge. These jurisdictions will reimburse the county for the actual costs of their respective projects.

Motion by Commissioner Kurtz, Seconded by Commissioner von Hanstein to award contracts to Pittman Construction and The Scruggs Company for a combined amount not to exceed \$3,193,053. Motion Passed Unanimously.

PROPERTY TO BE DECLARED SURPLUS

The Communications/Dispatch department is requesting that their old dispatch consoles in storage be declared surplus and donated to Clark Atlanta University to be utilized for training.

Chairman Riden praised the donation request but asked that staff check surplus regulations to ensure donating to a private school does not violate surplus rules.

County Manager, Adam Mestres stated if the donation to Clark Atlanta University is not in compliance, the donation can be made to the City of Atlanta.

Motion by Commissioner McCormack, Seconded by Commissioner Kurtz to approve the items to be declared surplus and donated to Clark Atlanta University, or if not in compliance with surplus regulations, to donate to the City of Atlanta. Motion Passed Unanimously.

PURCHASE OF SHERIFF'S OFFICE VEHICLE

Four vehicles were budgeted from SPLOST for the Sheriff's Office for FY2024. The budgeted request includes a pickup truck. Hardy Chevrolet has a 1500 police package available on the lot for \$48,500 that meets the Sheriff's Office needs. This request is for approval to purchase the truck now from SPLOST and reduce the FY2024 allotment to three.

Motion by Commissioner Kurtz, Seconded by Commissioner von Hanstein to approve the purchase from Hardy Chevrolet for a Chevrolet 1500 for \$48,500 as presented. Motion Passed Unanimously.

PURCHASE OF AUTO FRYER

Public Buildings requested funding to install a required vent hood with fire suppression at the concession stand at Bill Wood Park. However, a self-contained fryer has been located that meets fire code and will cost less than a traditional vent hood with fire suppression. Three bids were obtained for self-contained units. Staff recommends purchasing from Motion Technology for \$10,875. A budget amendment is also being requested to move \$10,875 from Public Buildings to Recreation.

Vendor	Quote
Motion Technology, Inc.	\$10,875.00
Wilson Restaurant Supply	\$11,290.57
Webstaurant Store	\$12,669.00

Motion by Commissioner von Hanstein, Seconded by Commissioner McCormack to approve the purchase of a self-contained fryer from Motion Technology, Inc. for \$10,875 and to amend the budget to transfer \$10,875 from Public Buildings to Recreation. Motion Passed Unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS

No public comments were made.

COMMISSIONER COMMENTS

Commissioners made comments and gave updates on Liaison assignments.

MOTION by Commissioner Kurtz, seconded by Commissioner Harris to exit regular session and adjourn at 6:38 p.m. Motion Passed Unanimously.

Ben Riden, Jr., Chairman

ATTEST:

Leslie Brandt, County Clerk