

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 Andy A. Ainslie, Jr.

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

**The meeting was called to order at 10:00 a.m., followed by the Pledge of Allegiance and Invocation.**

### **AGENDA APPROVAL**

**Motion** by Commissioner Ainslie, Seconded by Commissioner Harris to approve the agenda as presented. Motion Passed Unanimously.

### **MINUTES**

June 21, 2022 BOC Meeting

**MOTION** by Commissioner Ainslie, Seconded by Commissioner Kurtz to approve the minutes as presented. Motion Passed Unanimously.

### **CONSENT AGENDA**

Motion to accept as information the June 2022 payables to include General Fund in the amount of \$1,004,689.92, TSPLOST in the amount of \$351,466.63, SPLOST in the amount of \$2,156,324.81, and the June 2022 financials.

**MOTION** by Commissioner Harris, Seconded by Commissioner Kurtz to approve the consent agenda as presented. Motion Passed Unanimously.

### **ELTON TOOTEN IS REQUESTING A ZONING MAP AMENDMENT, FROM AGRICULTURAL (AG) TO MEDIUM DENSITY RESIDENTIAL (R2), FOR 4.86 ACRES LOCATED AT 2421 COCHRAN ROAD (TAX PARCEL 061-052)**

Senior Planner Tara Cooner presented a request from Elton Tooten to rezone 4.86 acres at 2421 Cochran Road from AG to R2 to divide property among family members. The property contains 3 houses and includes addresses 2431 Cochran Road and 2461 Cochran Road. The property is currently a legal non-conforming use in the AG zoning classification, which requires a minimum of 5 acres per parcel. The requested zoning designation, R2, only requires 1 acre per parcel. The property is currently zoned AG and is surrounded by AG. The nearest R2 lot is on Turner Road outside of Madison.

The Planning Commission recommended AR zoning instead of the requested R2. This would allow Mr. Tooten's house to be on one lot and his mother's house and daughters house located on one lot together, with the stipulation that the existing single wide home be replaced with a stick-built home.

The Planning Commission's recommendation creates an accessory dwelling issue in that it allows an existing manufactured home to be used as an accessory dwelling to a newly built stick framed house. A manufactured home as an accessory dwelling is not allowed in the current ordinance and would set a precedence if allowed.

Planning staff members suggested an alternate R3 zoning option to the Planning Commission. R3 would create the three lots requested by the applicant to allow one home per lot and would eliminate the accessory dwelling concerns. The R3 zoning would need to be addressed in the

Comprehensive Plan before it goes before the Board of Commissioners in two weeks. This option would solve all issues with the exception of spot zoning.

Planning Commission members were weary of residential zoning as it may attract subdivision developers.

However, R3 zoning does not allow subdivisions without a water source, so that could negate the concern related to subdivision development.

Ultimately, the Planning Commission voted to recommend rezoning from AG to AR, with the single wide manufactured home and the center home on one lot with a minimum two acres and the double wide modular home on one lot with a minimum of two acres. Also recommended to replace the singlewide manufactured home with a stick-built home.

Commissioners discussed if both recommendations could be identified as spot zoning since the request is not supported by the Comprehensive Plane with no residential zoning in nearby proximity.

Cooner stated there are a collection of properties in the surrounding area of Mr. Tooten that are non-conforming. The Comprehensive Plan could be modified to include a residential node in the area before it goes before the Board for approval on July 19<sup>th</sup>, 2022. This would not necessarily rezone the properties to residential, but have it show residential as a future use in the Comprehensive Plan.

County Attorney Christian Henry stated spot zoning is typically when you create a spot surrounded by other zoning to allow some use that is incompatible with the surrounding area. While it may look like spot zoning, these uses pre-dated zoning. It is not creating a new class, but basically changing the zoning to reflect the reality of the property.

#### Chairman Riden Allowed Proponents and Opponents to Speak

No one spoke in favor or against the request.

**MOTION** by Commissioner Kurtz, Seconded by Commissioner Harris to approve the R3 zoning based upon recommendation of the Planning Staff.

**AMENDED MOTION** by Commissioner Kurtz, Seconded by Commissioner Harris to approve the R3 zoning based upon recommendation of the Planning Staff and based on the property's already existing, non-conforming (grandfathered) uses that predate current zoning. Motion Passed Unanimously.

#### **COURTHOUSE MAINTENANCE REPAIRS AND PAINTING**

The Courthouse needs exterior repairs and painting. Engineering services were utilized to determine the scope of the project, prepare the RFP, and evaluate bid responses. The recommendation is to award the project to Skyline Construction Services, Inc. for \$491,810. This project is included in the FY23 budget to be paid from SPLOST.

**MOTION** by Commissioner Harris, Seconded by Commissioner Kurtz to award the project to Skyline Construction Services, Inc. for \$491,810. Motion Passed Unanimously.

#### **PHONE SYSTEM**

The IT department is requesting to transition to a hosted phone system. The change would increase phone capabilities for minimal cost and includes free physical phones for all users.

**MOTION** by Commissioner Harris, Seconded by Commissioner Kurtz to approve the GoTo Technologies USA, Inc. hosted phone system request as presented. Motion Passed Unanimously.

#### **CLOUDPERMIT SOLUTION AGREEMENT**

The Planning and Development Department has requested to move to an online cloud-based solution for Code Enforcement, Planning, and Building Inspections. This solution will allow the department to be more efficient in day-to-day operations and provide a better experience for the customer as they will be able to make requests online and track permits/inspection. The current state of permitting and inspections is all housed in an antiquated Microsoft access database with no online access or ability for tracking or reporting.

The cost for the service is \$20,000 per year for all three modules. With an additional \$5,000 for the first year only for implementation and importing old data. The P&D team spent several months vetting multiple solutions, and all agreed this would be the best for the department. The County's IT Department also vetted the solution to ensure it would work with in our county network.

Funding for the solution was approved in the FY23 Budget.

**MOTION** by Commissioner Harris, Seconded by Commissioner Ainslie to approve the CloudPermit Solution Agreement as presented. Motion Passed Unanimously.

### **BOARD VACANCIES**

- CVB Board  
The term of Lance Alexander expired June 30<sup>th</sup>, 2022. Mr. Alexander submitted an application to be considered for reappointment. No other applications were received.

**MOTION** by Commissioner Ainslie, Seconded by Commissioner Harris to reappoint Lance Alexander to the CVB Board with term ending 06/30/2025. Motion Passed Unanimously.

- NEGA Regional Commission  
The term of Jennifer Stewart expired June 30<sup>th</sup>, 2022. We received one application for consideration from Wendell McNeal.

**MOTION** by Commissioner Ainslie, Seconded by Commissioner Harris to appoint Wendell McNeal to the NEGA Regional Commission with term ending 06/30/2023. Motion Passed Unanimously.

- Hospital Board  
The term of Calvin Welch, Sally Buffington, and Sarah Burbach expired June 30<sup>th</sup>, 2022. Ms. Buffington and Ms. Burbach submitted applications to be considered for reappointment.

We also received applications for consideration from Cindy Tingle, Flynn Clyburn, Monica Welch, Monique Browning, and Stan Ashley.

Members of Morgan Medical Center reviewed all applications and recommend reappointing Sarah Burbach and Sally Buffington; and appointing Cindy Tingle to fill the other vacancy.

**MOTION** by Commissioner Kurtz, Seconded by Commissioner Harris to reappoint Sarah Burbach and Sally Buffington and appoint Cindy Tingle to the Hospital Board with term ending 06/30/2025. Motion Passed Unanimously.

### **PUBLIC COMMENTS ON AGENDA ITEMS**

No public comments were made.

**MOTION** by Commissioner Ainslie, seconded by Commissioner Harris to exit regular session and adjourn at 10:52 a.m. Motion Passed Unanimously.

---

Ben Riden, Jr., Chairman

ATTEST:

---

Leslie Brandt, County Clerk