

Monroe County Board of Commissioners

Minutes of the May 02, 2023

Regular Commissioners Meeting

6:00 P.M.

Present:

Greg Tapley, Chairman

Lamarcus Davis, Vice Chairman

Eddie Rowland, District 2

John Ambrose, District 3

George Emami, District 4

Staff:

Ben Vaughn, County Attorney

Natalie Sundeen, County Attorney

Jim Hedges, County Manager

Janet Abbott, County Clerk

Richard Dumas, Public Information Officer

Kelsey Fortner, Community Development Manager

Welcome

Chairman Tapley welcomed everyone in attendance.

Prayer

Senior Pastor Michael Jones with Heritage Methodist Church and member of the Ministerial Association gave the invocation.

Pledge

Chairman Tapley led the Pledge.

Roll Call

County Clerk Janet Abbott called roll.

Call to Order

Chairman Tapley called the meeting to order at 6:00 P.M.

New Business

Approve Agenda

Chairman Tapley presented the agenda for approval adding Item I, the use of funds from Commissioner Ambrose's discretionary account for Animal Control

Commissioner Ambrose motioned to approve the agenda.

Commissioner Rowland seconded the motion and the motion carried 5-0.

Approve Minutes-BOC Meeting-April 04, 2023 & April 18, 2023, Regular Meeting

Commissioner Ambrose motioned to approve the minutes of the April 04, 2023, regular meeting and the April 18, 2023, with the normal 30 days for changes.

Commissioner Emami seconded the motion and the motion carried 5-0.

P&Z Hearing-Conditional Use

Commissioner Davis motioned to enter a public hearing for a conditional use application at 6:04 p.m.

Commissioner Rowland seconded the motion and the motion carried 5-0.

Community Development Manager Kelsey Fortner presented a conditional use application for a convenience store and fueling station located on Rumble Road, map 080 parcel 023. The applicant is Sonny Singh and the property owner is Five Rivers Investments, LLC. Mrs. Fortner stated this property is currently zoned commercial and the property surrounding the parcel is a mixture of industrial and commercial property. This property is adjacent to the industrial park and I-75.

Ms. Fortner stated the Planning and Zoning Board recommended approval 3-0.

No one was present in opposition.

The applicant was present on behalf of the application.

Commissioner Emami motioned to come out of the public hearing at 6:12 p.m.

Commissioner Davis seconded the motion and the motion carried 5-0.

Commissioner Emami motioned to approve.

Commissioner Rowland seconded the motion and the motion carried 5-0.

Call for Referendum-Unincorporated Pkg Sales

In 2021, legislation was amended in Georgia Code 3-3-41 to provide for a referendum election to authorize the issuance of licenses for the package sale of distilled spirits may be initiated upon an ordinance or resolution for the governing authority of any municipality or county "or" upon a written petition containing the signatures of at least 20 percent of the registered and qualified voters of any municipality or county being filed with the election superintendent of the county or municipality. Prior to the 2021 amendment, in order to call for a referendum election required a written petition containing the signatures of at least 35 percent of the registered

and qualified voters of any municipality or county being filed with the election superintendent of the county or municipality.

A resolution/ordinance for approval by the Monroe County Board of Commissioners calling for a referendum on November 7, 2023, for package sale of distilled spirits, and for Sunday package sales between the hours of 12:30 p.m. and 11:30 p.m. in the unincorporated portion of Monroe County. If approved by the voters, the Monroe County Board of Commissioners will then need to adopt a detailed ordinance relating to package sales. Commissioner Emami motioned to call for a referendum on November 7, 2023, for package sales of distilled spirits, and for Sunday package sales between the hours of 12:30 p.m. and 11:30 p.m. in the unincorporated portion of Monroe County.

Commissioner Ambrose seconded the motion and the motion carried 5-0.

Design/Build Recreation Gymnasium Award

Monroe County Board of Commissioners authorized the advertising for a Design/Build contractor for the construction of a gymnasium at the Recreation Department Facilities. After four weeks of advertising, we received “one” bid from Proform Construction. ProForm’s bid is as follows:

- Design Team Fee-5%
- Construction Management Fee-4%

Commissioner Emami asked Mr. Muckenfuss to consider alternate sites for the gym before tearing up the existing outdoor courts. Mr. Muckenfuss agreed to work with Commissioner Emami and Commissioner Davis on alternate options.

Following a board discussion, Commissioner Davis motioned to approve ProForm Construction’s bid.

Commissioner Emami seconded the motion and the motion carried 5-0.

Mailbox Ordinance Violations

Commissioner John Ambrose has on numerous occasions brought forward the issue of residential mailboxes on county rights-of-way with a support structure of stone, masonry, or some other material that is non-compliant with the Monroe County Code, Section 4.5, and in violation of the Georgia Department of Transportation Code, Section (A)/(B).

Monroe County Code

Section 4.5.-Mailboxes

- No Mailbox or newspaper delivery box (hereafter referred to as a mailbox) will be allowed to exist on a county or state right-of-way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system. A mailbox as established by the state department of transportation is an unauthorized encroachment under O.C.G.A. § 32-6-1. The location and construction

of mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to standards established by the state department of transportation.

Georgia Department of Transportation Code

- Chapter 9 Mailboxes Encroachment
 - A mailbox which is installed with a support structure of stone, masonry, or some other material, that can cause damage to a vehicle or interferes with the safety of the traveling public is considered a Right of Way Encroachment. Georgia Code Section 32-6-1 states that such encroachments or obstructions are unlawful on “any public road.”
- 9B Acceptable Standards for Residential Mailboxes
 - Mailboxes shall be of light sheet metal or plastic construction conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.
 - 1. Mailboxes supports shall not be set in concrete unless the support design has been shown to be safe by crash tests when so installed.
 - 2. A single 4”x4” or 4” diameter standard strength steel hollow pipe and embedded no more than 24” into the ground will be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10” below the ground surface.
 - 3. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if a vehicle strikes the installation.
 - 4. The minimum spacing between the centers of support posts shall be three-fourths the height of the posts above the ground on multiple mailbox installations.

Following a board discussion, County Attorney Ben Vaughn stated he would look further into the issue.

Air BnB-Short Term Rentals

County Attorney Ben Vaughn and Community Development Manager Kelsey Fortner address the board stating the County currently has no regulations on Short Term rentals.

Mr. Vaughn stated the current state of the law is that you can regulate and prohibit short-term rentals, but in order to do so you must do so expressly.

Mrs. Fortner stated she has received complaints regarding two cabins that are listed on Air BnB and were built without obtaining any permits. Ms. Fortner stated without an ordinance she has no basis to tell them they cannot operate.

Following a board discussion, County Attorney Ben Vaughn stated he would bring back a model ordinance for the board to evaluate.

Sheriff Training Facility

County Manager Jim Hedges stated the cost to add an additional 750 sq ft to the sheriff training facility will be an additional \$80,274.00 over contract which will bring the total contract to \$609,070.00. ProForm

Construction owner Robert Muckenfuss stated he was able to lower the cost per sq ft by making a few changes to the construction type by using 2x6 exterior walls above grade, but also making the building fully brick to match their existing building. The additional funds would come from the Sheriff's seized funds.

Commissioner Ambrose motioned to approve the change order in the amount of \$80,274.00 with funds to come from the sheriff's seized fund account.

Commissioner Rowland seconded the motion and the motion carried 5-0.

Animal Control

Commissioner Ambrose stated he is going to use some of his discretionary funds for the purchase of 28 dog beds for Animal Control.

Commissioner Comments

Commissioner Davis stated he would like to start having lunch meetings with different county departments and to create awards and recognition for staff.

Commissioner Rowland stated he had recently visited animal control and met with Carlos and Becky, and everything was clean, well-organized and they are doing a great job.

Commissioner Ambrose stated he would like to go back to each district having its own road funds.

Commissioner Emami stated he would like to invite the public to the dedication of the Community Garden in High Falls on Saturday at 11:00 a.m.

Commissioner Emami stated he would also like to clear the air regarding some comments regarding the RV tax that were published in the local newspaper, he stated the comments came across as combative and that is not the spirit in his mind and heart.

Chairman Tapley stated he would like to encourage everyone to support their local businesses for Taco Week.

Public Comments

Amanda Turner spoke stating that basketball enrollments at the Recreation Department have increased over the last few years stating a new gym was desperately needed.

Chairman Tapley asked Ms. Turner if she knew how many of the participants lived within the city limits. Ms. Turner stated she didn't know the exact number, but the majority of the participants did live within the city limits. Chairman Tapley suggested Ms. Turner determine the number and if indeed most participants did live

within the city limits that she get with her constituents, and they urge the Forsyth City Council to assist in the funding of the new gymnasium.

Executive Session

Commissioner Ambrose motioned to enter executive session at 6:48 p.m. for real estate and personnel.

Commissioner Davis seconded the motion and the motion carried 5-0.

Commissioner Ambrose motioned to come out of executive session at 7:05 p.m.

Commissioner Rowland seconded the motion and the motion carried 5-0.

Action from Executive Session

County Attorney Ben Vaughn stated the board discussed a potential real estate matter and no personnel matter was discussed. Mr. Vaughn stated no action was taken.

Adjourn

Commissioner Emami motioned to adjourn at 7:16 p.m.

Commissioner Rowland seconded the motion and the motion carried 5 -0.

Respectively Submitted by:

Janet Abbott, County Clerk