

Monroe County Board of Commissioners

Minutes of the May 4, 2021

Regular Commissioners Meeting

6:00 P.M. Meeting

Present:

Greg Tapley, Chairman

Lamarcus Davis, Vice Chairman

Eddie Rowland, District 2

John Ambrose, District 3

George Emami, District 4-Present by phone 6:11

Staff:

Jim Hedges, County Manager

Ben Vaughn, County Attorney

Janet Abbott, County Clerk/HR

Richard Dumas, Public Information Officer

Kelsey Fortner, Zoning Officer

Welcome

Chairman Tapley welcomed everyone in attendance.

Prayer

Commissioner Rowland gave the invocation.

Pledge

Chairman Tapley led the Pledge of Allegiance.

Roll Call

County Clerk Janet Abbott called roll.

Call to Order

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

Proclamation-Monroe County Bicentennial

Chairman Tapley presented and read a Proclamation commemorating the 200th birthday of Monroe County. Richard Dumas spoke regarding the donations, stating the City of Forsyth has agreed to match the county's donation of \$5000.00.

Ralph Bass stated we appreciate the support and confidence the Board has placed in the Bicentennial committee.

Commissioner Emami entered the meeting via phone at 6:11 p.m.

Resolution-I-75 Central Corridor Coalition

Chairman Tapley read and presented for approval, a Resolution of Monroe County regarding the membership and support of the I-75 Central Corridor Coalition, Inc.

Commissioner Ambrose motioned to approve the resolution.

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

Speaker Appearance-Wes Huff/Tom Green

Attorney John Fox spoke on behalf of Wes Huff and Tom Green and other property owners in Rivermist Subdivision, regarding what they feel is a serious misuse of property within their neighborhood. Mr. Fox stated there is a landowner on the river actively running a "vacation rental" business to which he does not have compliance with Planning and Zoning to do so. Mr. Fox stated it is against our HOA regulations, and in addition, his property is zoned agricultural with conservation easements. Mr. Fox stated this has been ongoing since 2018 and attempts have been made to resolve the matter within the HOA but have been unable to do so. Mr. Fox asked the Board to review and address this matter.

Attorney Boone Smith spoke on behalf of the property owner in question addressing the concerns Mr. Fox had brought to the Board. Mr. Smith stated the Lewis's pay their share of the insurance regarding the railroad crossing. He stated the property is managed through a professional Air B & B company which allows the owner to review the renters. He continued with as far as the property being in conservation, this is true but there are permitted uses in the conservation that allows for leases. Mr. Smith stated Air B&Bs are not a restricted use in the zoning ordinance.

John Lewis, Rivermist property owner, addressed the Board and stated the primary use of the property is for recreational use for his family.

County Attorney Ben Vaughn suggested the HOA, or their attorney send a written complaint to the County or to him of what they believe is being violated under our zoning ordinances.

New Business

Approve Agenda

Chairman Tapley presented the agenda for approval.

Commissioner Ambrose motioned to approve the agenda adding executive session for real estate.

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

Approve Minutes-BOC Meeting-April 20, 2021

Commissioner Ambrose motioned to approve the minutes of the April 20, 2021 meeting with the usual 30 days for changes.

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

Voting Booth Purchase -Jim Hedges

County Manager Jim Hedges presented on behalf of Elections Supervisor Kay Warren, a request to purchase additional voting booths at a cost of \$4,742.33 which are unbudgeted. Mr. Hedges stated the request is for 5 new voting machines, which are double sided, and will add 10 additional voting booths to be used in the Administration Building.

Commissioner Ambrose motioned to approve the request at a cost of \$4,742.33 with funds to come from contingency.

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

Alcohol License-Falls View Market-Kelsey Fortner

Zoning Officer Kelsey Fortner presented an alcohol license for approval. Ms. Fortner stated the Falls View Market located at 4724 High Falls Road, Jackson Ga., has a new owner; therefore, new alcohol license information shall be filed. Ms. Fortner stated the applicant has gone through all the necessary steps and only waits for approval from the Board.

Commissioner Emami motioned to approve.

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

Planning & Zoning Hearings

JRE Services-Conditional Use Modification-Kelsey Fortner

Commissioner Ambrose motioned to enter a public hearing at 6:43 p.m. for a conditional use modification request.

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

County Attorney Ben Vaughn reminded the Board that Attorney Christian Henry would be representing the Board on this application due to a conflict of interest on his part.

Zoning Officer Kelsey Fortner presented an application for a revision/modification of a conditional use located at HWY 42 South. Ms. Fortner stated property owner/applicant Joseph Egloff came before the Board in 2018 for the following request: Section 71.A-agricultural district, 71.4 Conditional Uses. Aa. Slaughterhouses.

Ms. Fortner stated the application was approved on November 6, 2018 by the Board of Commissioners and 15 conditions were placed on the application. Those 15 conditions are the only thing that is enforceable.

Ms. Fortner stated the applicant is requesting to revise/modify the following conditions:

1. Requesting a small lighted sign at the road to help farmers locate the facility in the early morning hours when it is dark.
2. Applicant stated he was asked why he had limitations on the number of heads per week. He was asked by the National Cattleman's Association to sit on a panel to speak to the Congressional Committee on Agriculture, Chaired by Congressman David Scott. The topic for this discussion was the tremendous need for small to medium size packing houses throughout the United States. Small farmers are desperately looking for a way to process their cattle for resale, as well as home use and Congress is looking for a way to help make that happen.
3. Asking for the lifting of the restriction of the 9:00 a.m. deadline for drop offs. Customers come from Alabama, Tennessee, South Carolina, North Carolina and Florida and things can happen causing them to be late. As an Animal Welfare Approved facility and USDA Inspected facility, it is deemed inhumane to turn around a trailer that has had livestock on it for an extended amount of time. Lifting this restriction, will not only keep us from having to call the zoning office to report it, but it is the humane thing to do.

Ms. Fortner stated the Planning and Zoning Board recommended approval 4-1 and she requested should the Board vote to approve she ask that the Board specify the times of delivery.

Joseph Egloff spoke on behalf of the application stating the first issue of the sign is that several older farmers have trouble seeing the mile marker sign when they are delivering early in the morning when it is still dark. He continued with he is not asking for a billboard just asking for a larger sign that is easier to see.

Mr. Egloff addressed the time restrictions next stating to be in accordance with animal handling the cattle would have to be unloaded and fed and watered if the delivery happens to run late.

Mr. Egloff stated in the original business plan it was estimated 30 head a week could be processed. He stated things have since changed his payroll amount has changed and he is now capable of slaughtering 40-45 head a week.

Steven Sims of 5549 Rocky Way, Dunwoody Georgia and he has a residential lease at 3968 Hwy 74 Culloden Ga. Stated he grew up in Monroe County, went to school here, and went to college trying to build a family farm here in Monroe County. He stated he is asking the Board to lift restrictions on the head of cattle.

Dale Sims 3968 Ga Hwy 74 stated he intends to retire soon from being a nurse and plans on working with his son on his farm and would also like to see the restriction lifted.

Clete Sanders of 50 Hopewell Road stated he is a cattle farmer in Monroe County and Joseph's facility gives local farmers an opportunity to get this done locally. He stated steers are a perishable item, you try to get them around 400 pounds and if you must hold them past when they are ready, they gain weight and they no longer fit in the box.

James Vaughn of 242 Vaughn Road stated he has been in the cattle business since the 1940's and he is speaking against the request. Mr. Vaughn stated he understands the need for new businesses like this. If we make this an unlimited facility, we can outgrow it quickly. Mr. Vaughn continued with his family has a 659-acre tract behind the facility and he thinks there needs to be some limitations placed on it. Mr. Vaughn continued with he urges the commission to not let this get out of control and if they are going to lift the restriction of 30 heads, he ask they pick a number and figure out the size of the sign for the benefit of the neighbors.

Attorney Warren Tillery spoke on behalf of Craig Martin, property owner adjacent to Midsouth Packers, stating if all the conditions were removed this would render Mr. Martin's property useless. The problem and concern is this is getting too big too fast. Mr. Tillery stated Mr. Egloff consented to a business plan but now he wants the conditions removed. Mr. Tillery continued with his client cannot agree to no limit at all, but maybe the number could be raised to 35 and that only accounts for beef does not account for other animals. He stated his client is asking the Board to place reasonable limitations.

Mr. Egloff replied to the opposition stating he was not asking for the size of the building to change and the number of head cannot be unlimited because of the size of the building. Mr. Egloff stated he has some goat and sheep farmers that call him, and he could process those faster, but I cannot afford to because it takes away from beef. He stated if I ran nothing but beef, I am asking for 40-45 beef cattle if everything went perfect. He stated he could do 15-25 goat or sheep a day.

Commissioner Ambrose motioned to come out of a public hearing at 8:02 p.m.

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

Following an extensive Board discussion, Commissioner Ambrose motioned to approve 60 cattle a week with no restrictions on other animals, reflective signage no bigger than 4x8, remove the time restriction the trucks can deliver, remove the restriction regarding the number of trucks, remove the requirement to report to the Zoning Officer, amend the condition that addresses the square footage so that holding pens are part of his business not storage and remove the condition regarding retail sales.

The motion failed for lack of a second.

The Board further discussed the application.

Chairman Tapley motioned to approve the application with the sign being 4x8 reflective, allow 200 total animals a month, and delivery times are during the operating hours only of 7:00 a.m. to 3:30 p.m., Monday through Friday.

Commissioner Emami seconded the motion.

The motion failed 2-3 with Commissioner Emami and Chairman Tapley in favor and Commissioner Rowland, Commissioner Ambrose and Commissioner Davis opposed.

The Board further discussed the application and Chairman Tapley motioned again to approve a 4x8 reflective sign, increasing the number of head to 200 a month and expanding the hours for delivery to the normal operating hours of 7:00 a.m. until 3:30 p.m. Monday through Friday.

Commissioner Emami seconded the motion and the motion carried 3-2 with Commissioner Ambrose and Commissioner Rowland opposed.

Chairman Tapley called for a 2-minute recess 8:34 p.m.

Commissioner Emami left the meeting at 8:34 p.m.

Ernest & Sandra Shelton-Conditional Use/Variance-Kelsey Fortner

Commissioner Ambrose motioned to enter a public hearing at 8:34 p.m.

Commissioner Davis seconded the motion and the motion carried 4-0.

Ms. Fortner presented an application for a conditional use/variance application located at 1086 Pea Ridge Road, Juliette, Ga 31046 Map 101 001B. The property owners are Ernest & Sandra Shelton, and the applicant is Cristy Bass. Ms. Fortner stated the request is to operate a machine and gear shop which falls under the conditional use of light assembly and fabrication in commercial.

The variance request is for the lack of minimum setbacks from the property lines.

Ms. Fortner stated should the Board approve the request only slightly less than an acre will be utilized not the entire 12.41-acre tract.

Ms. Fortner stated the Planning and Zoning Board recommended approval.

Commissioner Ambrose motioned to come out of a public hearing at 8:38 p.m.

Commissioner Davis seconded the motion and the motion carried 4-0.

Commissioner Ambrose motioned to approve the application.

Chairman Tapley seconded the motion and the motion carried 4-0.

James Roush-Rezoning from Agriculture to Residential-Kelsey Fortner

Commissioner Ambrose motioned to enter a public hearing at 8:39 p.m.

Commissioner Davis seconded the motion and the motion carried 4-0.

Ms. Fortner presented a rezoning application located at 2854 Montpelier Road, Forsyth Ga 31029 Map 067 Parcel 025.

Property owner and applicant is James E Roush.

Ms. Fortner stated the property owner is requesting to rezone the 3.3-acre lot to residential. Should the approval be granted this lot will be divided in half, demolish the current structures and two new homes will be built. Ms. Fortner stated this procedure would make the lot conforming, as it is non-conforming in the current state.

Ms. Fortner stated the Planning & Zoning Board recommended approval.

Commissioner Davis motioned to come out of a public hearing at 8:42 p.m.

Commissioner Ambrose seconded the motion and the motion carried 4-0.

Commissioner Ambrose motioned to approve the application.

Commissioner Rowland seconded the motion and the motion carried 4-0.

Joann Price/Frazier-Agriculture Variance-Kelsey Fortner

Commissioner Ambrose motioned to enter a public hearing at 8:43 p.m.

Commissioner Davis seconded the motion and the motion carried 4-0.

Ms. Fortner presented a conditional use/variance application located at 158 Charles Johnson Road, Forsyth, Ga 31029 Map 045 Parcel 021.

Property owner is Joann L. Price and applicant is Kimberly and Cooper Frazier.

Ms. Fortner stated the property owner and applicant are requesting to place a 2nd dwelling regulation constitutes this request as well as the lack of road frontage for two dwellings.

Ms. Fortner stated the Planning & Zoning Board recommended approval.

Commissioner Ambrose motioned to come out of a public hearing at 8:45 p.m.

Commissioner Davis seconded the motion and the motion carried 4-0.

Commissioner Ambrose motioned to approve the application.

Commissioner Rowland seconded the application and the motion carried 4-0.

Old Business

MWA Contract Amendment-Jim Hedges

County Manager Jim Hedges stated at the March 2, 2021 Board of Commissioners' meeting, approval was authorized to amend the MWA contract for the purchase of water for resale for the new Juliette Service area giving the county a 20% discount, extending the contract back to the 50-years, and contingent on increasing the daily capacity from 2.5 MGD to 5.0 MGD. Mr. Hedges stated after discussing these terms with the MWA, and upon obtaining the actual consumption, and the cost of increasing the capacity we should accept the offered discount and term extension without the contingency of increasing capacity. Mr. Hedges stated MWA has provided usage for the past 29 months and does not believe additional capacity is warranted at this time. Mr. Hedges stated the next steps are to eliminate the contingency of increasing the daily capacity from 2.5 MGD to 5.0 MGD and to consider an intergovernmental agreement with the City of Forsyth establishing limitation on daily consumption.

Commissioner Ambrose motioned to authorize the Chairman to sign the amended contract with the MWA extending the contract term to 50-years and obtaining a 20% discount on purchased water for resale for the new service area.

Commissioner Rowland seconded the motion and the motion carried 3-1 with Commissioner Davis opposed.

Commissioners' Comments

Retreat-Lamarcus Davis

Commissioner Davis stated he had scheduled a retreat on June 25th at Monroe County Conference Center with the Board of Commissioners and the other entities in Monroe County and the event would be hosted by the Chamber.

Chairman Tapley stated Laurens County has what they call a Community Vision Retreat.

Commissioner Davis stated he had been doing research on the consolidation of some of the county services with the City of Forsyth.

Commissioner Ambrose stated in 2015 the City passed a resolution that consolidation would never be discussed with the County.

Chairman Tapley stated this would be something that could be discussed at the retreat.

Second Amendment

Commissioner Ambrose asked County Attorney Ben Vaughn to look over a model second amendment ordinance that he presented and bring back to the Board for discussion.

Public Comments

There were no public comments.

Executive Session-Real Estate

Commissioner Ambrose motioned to enter executive session for Real Estate at 9:08 p.m.

Commissioner Davis seconded the motion and the motion carried 4-0.

Commissioner Davis motioned to come out of executive session at 9:22 p.m.

Commissioner Ambrose seconded the motion and the motion carried 4-0.

Action from Executive Session

There was no action needed from executive session.

Adjourn

Commissioner Ambrose motioned to adjourn at 9:22 p.m.

Commissioner Davis seconded the motion and the motion carried 4-0.

Respectively Submitted by:

County Clerk, Janet Abbott