

**MADISON COUNTY BOARD OF COMMISSIONERS
MINUTES
REGULAR BUSINESS MEETING
JULY 10, 2017
6:30 P.M.**

MEMBERS PRESENT:

Commission Chairman John Scarborough
District 1 Commissioner Lee Allen
District 2 Commissioner Tripp Strickland
District 3 Commissioner Theresa Bettis
District 4 Commissioner John W. Pethel, Sr.
District 5 Commissioner Jim R. Escoe, Sr.

MEMBERS ABSENT:

None

MEDIA PRESENT:

Zach Mitcham, Madison County Journal

STAFF PRESENT:

Rhonda S. Wooten, County Clerk
Mike Pruet, County Attorney

Chairman Scarborough called the meeting to order at 6:30 p.m., led in the pledge to the American flag and gave the invocation.

Item No. 1. Approval of Minutes:

Minutes of Agenda Setting Meeting of June 26, 2017 and the June 27, 2017 Work Session. Minutes have been distributed.

On motion by Commissioner Allen and second by Commissioner Bettis the Board voted to approve the minutes of the June 26, 2017 Agenda Setting Meeting. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

On motion by Commissioner Allen and second by Commissioner Bettis the Board voted to approve the minutes of the June 27, 2017 Work Session. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Item No. 2. Business Involving Guests, Groups or Multiple Visitors.

None

Item No. 3. Chairman's Report.

Chairman Scarborough announced that Boutier Winery is holding a fundraising event on July 15, 2017 for the Madison County Food Bank.

Item No. 4. Hearings and Actions on Rezone Matters, Special Use Permits, Etc. (Linda Fortson & Lamar Houghston)

1. Jeff Welborn for his father Willis Welborn, they are requesting to rezone and subdivide approximately one acre of his 41 acre property from A1 to B. This is for the existing business of Greg's Meat Processing. The property is located at 2461 Highway 98 E on Map 67 Parcel 60 in District 2.

Chairman Houghston explained the rezone request and stated that the Planning and Zoning Commission voted seven to zero to approve a rezone to Conditional Use Industrial.

Chairman Scarborough asked if anyone would like to speak in favor of the request.
Applicant Jeff Welborn spoke in favor of the request.

Chairman Scarborough asked if anyone would like to speak in opposition to the request.
No one came forward.

Chairman Scarborough asked if anyone would like to speak in favor of the request.
No one came forward.

On motion by Commissioner Strickland and second by Commissioner Bettis the Board voted to approve the rezone of one acre on Map 67 Parcel 60 from A1 to Conditional Use Industrial. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

2. Ashley Fitzpatrick for her mother Diana Whitlock, they are requesting to rezone her eight acre property from A1 to RR to allow subdividing for an additional home site for the daughter. The property is located at 10731 Highway 98 W on Map 2 Parcel 54 in District 1.

Chairman Houghston explained the rezone request and stated that the Planning and Zoning Commission voted seven to zero to approve.

Chairman Scarborough asked if anyone would like to speak in favor of the request.
No one came forward.

Chairman Scarborough asked if anyone would like to speak in opposition to the request.
No one came forward.

Chairman Scarborough asked if anyone would like to speak in favor of the request.
No one came forward.

On motion by Commissioner Allen and second by Commissioner Escoe the Board voted to approve the request to rezone Map 2 Parcel 54 from A1 to RR. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

3. Jose and Tina Mazariegos are requesting to rezone their 5.74 acre property from R3 to A2 so that they can have their farm animals there. The property is located at 1484 Shoal Creek Road on Map 59 Parcel 103 in District 5.

Chairman Houghston advised the Board that the applicant was unable to attend the Planning and Zoning meeting which resulted in an automatic withdrawal of the rezone application.

4. Conrrado Arellano-Lopez is requesting to rezone his 4.46 acre property from A2 to RR for an additional home site. The property is located at 1654 Lucky Jones Road on Map 14 Parcel 82 in District 1.

Chairman Houghston explained the rezone request and stated that the Planning and Zoning Commission voted seven to zero to approve.

Chairman Scarborough asked if anyone would like to speak in favor of the request.
Applicant Conrrado Arellano-Lopez and his son Edgar spoke in favor of the request.

Chairman Scarborough asked if anyone would like to speak in opposition to the request.
No one came forward.

Chairman Scarborough asked if anyone would like to speak in favor of the request.
No one came forward.

On motion by Commissioner Allen and second by Commissioner Strickland the Board voted to approve the request to rezone Map 14 Parcel 82 from A2 to RR. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

5. Annette Shuler is requesting to rezone her five acre parcel from A2 to RR to give her sister two acres. The property is located on Highway 72 on Map 70 Parcel 31-03 in District 2.

Chairman Hughston explained the rezone request and stated that the Planning and Zoning Commission voted seven to zero to approve.

Chairman Scarborough asked if anyone would like to speak in favor of the request.
Applicant Annette Shuler spoke in favor of the request.

Chairman Scarborough asked if anyone would like to speak in opposition to the request.
No one came forward.

Chairman Scarborough asked if anyone would like to speak in favor of the request.
No one came forward.

On motion by Commissioner Bettis and second by Commissioner Strickland the Board voted to approve the request to rezone Map 70 Parcel 31-03 from A2 to RR. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

6. New zoning amendments.

Chairman Hughston explained a zoning amendment in Section 7.7 regarding a lot requirement of 1.5 acres and stated that the Planning and Zoning Commission voted five to two to have the requirement remain at one acre.

Chairman Scarborough asked for public comment. Sue Stone and Gerry Burdette addressed the Board.

On motion by Commissioner Bettis and second by Commissioner Allen the Board voted to approve the amendment increasing the minimum lot size to 1.5 acres. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained zoning amendments in Section 4.4 and 7.7 regarding subdivision requirements and stated that the Planning and Zoning Commission voted four to three to approve the amendments as listed.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Allen and second by Commissioner Strickland the Board voted to approve the zoning amendment in Sections 4.4 and 7.7 regarding subdivision requirements. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained a zoning amendment in Section 7.7 stating that all homes are to be site built and built on a concrete foundation (slab or crawl space).

Chairman Scarborough asked for public comment. Sue Stone addressed the Board.

On motion by Commissioner Bettis and second by Commissioner Allen the Board approved the zoning amendment in Section 7.7 regarding site built homes with concrete foundations. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained a zoning amendment in Article IV deleting conservation subdivisions and stated that the Planning and Zoning Commission voted seven to zero to approve the deletion of this section in its entirety.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Escoe and second by Commissioner Allen the Board voted to approve the zoning amendment deleting conservation subdivisions from Article IV. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained a zoning amendment deleting all overlay districts from any subdivision requirements and stated that the Planning and Zoning Commission voted seven to zero to approve.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Strickland and second by Commissioner Allen the Board voted to approve the zoning amendment deleting all overlay districts from any subdivision requirements. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained a zoning amendment to allow all current poultry houses and hog parlors to be grandfathered in and stated that the Planning and Zoning Commission voted seven to zero to approve.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Bettis and second by Commissioner Strickland the Board voted to approve the zoning amendment grandfathering in all current poultry houses and hog parlors. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained zoning amendments to 7.1.1.3 regarding set-backs, barriers and the distance to municipalities and stated that the Planning and Zoning Commission voted seven to zero to recommend changes to the amendment. Chairman Hughston provided the Board with the changes. Chairman Scarborough then addressed the original amendments one at a time as follows:

A 300' set-back from any common property line.

Chairman Scarborough asked for public comment. Terry Chandler, Ken Martin and David Whitehead addressed the Board.

On motion by Commissioner Strickland and second by Commissioner Escoe the Board voted to have a 300 foot set-back from any common property line. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

A 1000' set-back at the end of the structure with the exhaust fans.

Chairman Scarborough asked for public comment. Paul Simmons, Ken Martin, Matt Whitehead, Thomas Harrell, Gerry Burdette, Terry Stephenson, Trey McCay and Terry Chandler addressed the Board.

Commissioner Escoe made a motion to approve a 300 foot set-back and a vegetative or earthen buffer between the property line and the tunnel exhaust fans. Commissioner Strickland seconded the motion.

Commissioner Allen made a substitute motion to approve a 300 foot set-back and a vegetative buffer consisting of three rows of planted and maintained Eastern White Pines, Eastern Red Cedars, Leyland Cypress and Nelly Steven Holly. The motion failed for lack of a second.

The Board voted to approve the motion originally made by Commissioner Escoe for a 300 foot set-back and a vegetative or earthen buffer between the property line and the tunnel exhaust fans. The vote was as follows: Commissioners Strickland, Bettis, Pethel and Escoe voted YES. Commissioner Allen voted NO.

One mile buffer of any municipality.

Chairman Scarborough asked for public comment. Gerry Burdette, David Whitehead, Ken Martin, Marty Tucker, Wesley Chandler, Terry Stephenson, Dave Stewart, Dennis Moon, Sue Stone, Conolus Scott and Paul Simmons addressed the Board.

On motion by Commissioner Strickland and second by Commissioner Escoe the Board voted to strike any barrier around municipalities. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

600' set-back from nearest point of a school, church, nursing home or municipal building.

Chairman Scarborough asked for public comment. Paul Simmons addressed the Board.

On motion by Commissioner Bettis and second by Commissioner Allen the Board voted to approve an 800' set-back from the nearest point of a school, church, nursing home or municipal building. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

There was discussion regarding the definition of a vegetative buffer and a reference to the Hart County definition.

400' set-back from an existing habitable residence.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Strickland and second by Commissioner Allen the Board voted to approve a 400' set-back from an existing habitable residence. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained a zoning amendment to add 7.1.1.21 to read as follows; No parcel shall be rezoned to A-1 unless total acreage or combined acreage equals 50 acres or more and stated that the Planning and Zoning Commission voted seven to zero to change the total acreage to 25 acres.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Escoe and second by Commissioner Strickland the Board voted to approve that no parcel shall be rezoned to A-1 unless total acreage or combined acreage equals 25 acres or more. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained a zoning amendment to add 7.1.1.22 to read as follows; A-1 parcels that sit idle from intensive operations for twelve months will revert or be rezoned to A-2 property and stated that the Planning and Zoning Commission voted seven to zero to not add this amendment.

Chairman Scarborough asked for public comment. Terry Chandler and Paul Simmons addressed the Board.

On motion by Commissioner Escoe and second by Commissioner Allen the Board voted to delete the amendment requiring that an A-1 parcel that sits idle from intensive operations for twelve months revert or be rezoned to A-2 property. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained a zoning amendment to add 7.1.1.23 to read as follows; There will be no rezone to A-1 within the residential or commercial character area of the Land Use Map and stated that the Planning and Zoning Commission voted seven to zero to table this amendment until the Land Use Map is approved.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Escoe and second by Commissioner Pethel the Board voted to table the amendment. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

The Board took a recess at 9:15 p.m. and returned at 9:30 p.m.

Chairman Hughston explained amendments to the zoning definitions and stated that the Planning and Zoning Commission voted six to zero, with one member abstaining, to approve the definitions.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Escoe and second by Commissioner Allen the Board voted to approve the amendments to the zoning definitions. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained an amendment to Section 4.6 Interpretation of Uses and stated that the Planning and Zoning Commission voted seven to zero to approve.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Escoe and second by Commissioner Allen the Board voted to approve the amendment to Section 4.6 Interpretation of Uses. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained an amendment to Section 4.7 Prohibited Uses and stated that the Planning and Zoning Commissioner voted seven to zero to table for further discussion.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Escoe and second by Commissioner Bettis the Board voted to table the amendment. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained an amendment to Section 6.6.3 regarding recreational vehicles and stated that the Planning and Zoning Commission voted seven to zero to approve.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Escoe and second by Commissioner Allen the Board voted to table the amendment. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained amendments to Section 7.1.2.5 Transmission Towers, Section 7.2.2.14 Transmission Towers, Section 7.7.1.67 Transmission Towers and Section 7.9.2.3 Transmission Towers. Chairman Hughston stated that the Planning and Zoning Commission took these amendments up as one vote and voted seven to zero to approve.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Bettis and second by Commissioner Strickland the Board approved the four amendments regarding transmission towers. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained an amendment to Article VII regarding the type of use being labeled transmission towers rather than telecommunication towers and stated that the Planning and Zoning Board voted seven to zero to approve.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Strickland and second by Commissioner Bettis the Board voted to approve the amendment to Article VII regarding transmission towers. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Chairman Hughston explained an amendment to add Section 14.2.4.16 regarding the written rezone analysis and stated that the Planning and Zoning Commission voted seven to zero to approve.

Chairman Scarborough asked for public comment. No one came forward.

On motion by Commissioner Allen and second by Commissioner Strickland the Board voted to approve the amendment adding Section 14.2.4.16 regarding the written rezone analysis. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Item No. 5. Statements and Remarks from Citizens on agenda items.

Chairman Scarborough asked if there were any statements or remarks on an agenda item. No one came forward.

OLD BUSINESS:

None

NEW BUSINESS:

Item No. 6. Consider approving road work criteria. (Chairman Scarborough)

On motion by Commissioner Allen and second by Commissioner Strickland the Board voted to adopt the considerations before accepting roads and the considerations before resurfacing or paving roads which were discussed at their June 27, 2017 work session. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Item No. 7. Consider purchasing six GBI vehicles. (Chairman Scarborough)

On motion by Commissioner Allen and second by Commissioner Strickland the Board voted to approve the purchase of six GBI vehicles, which were discussed at the June 26, 2017 meeting and will be paid for with the remaining funds in the Whitworth contract. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Item No. 8. Consider SPLOST advances for volunteer fire departments. (Chairman Scarborough)

Chairman Scarborough advised the Board that the SPLOST revenue at the three year mark is lower than projected and in the past the general fund could cover advances, however, this practice may need to be discontinued until the first of the year to allow funds to be replenished.

On motion by Commissioner Escoe and second by Commissioner Pethel the Board voted to hold SPLOST expenditures to the volunteer fire departments until January 1, 2018. The vote was as follows: Commissioners Allen, Strickland, Bettis, Pethel and Escoe voted YES.

Item No. 9. Roads Update

There were no road updates.

Item No. 10. Urgent Matters

There were no urgent matters.

Item No. 11. Statements and Remarks from Citizens.

Chairman Scarborough asked if there were any statements or remarks. Terry Chandler thanked the Board for their considerations.

Item No. 12. Executive Session to discuss land acquisition, personnel matters and/or potential litigation (if needed).

There was no need for executive session.

Item No. 13. Adjourn

On motion by Commissioner Pethel and second by Commissioner Strickland the Board unanimously agreed to adjourn at 10:10 p.m.