

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: 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 10:00 a.m., followed by the Pledge of Allegiance and Invocation.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2022

MOTION by Commissioner von Hanstein, Seconded by Commissioner Harris to nominate Commissioner Kurtz as Vice-Chair for year 2022. Unanimously Approved.

MOTION by Commissioner von Hanstein, Seconded by Commissioner Harris to nominate Commissioner Riden as Chair for year 2022. Unanimously Approved.

AGENDA APPROVAL

Motion by Commissioner Ainslie, Seconded by Commissioner von Hanstein to approve the agenda with the following changes: Add Executive Session-Potential Litigation and remove Item #17-Attendant Building for Newborn Road. Unanimously Approved.

MORGAN MEDICAL CENTER AUDIT PRESENTATION

Kyle Wilkerson, CFO of Morgan Medical Center and Ralph Castillo, CEO, presented the FY21 hospital audit and volume metrics.

MINUTES

December 07, 2021 BOC Meeting

MOTION by Commissioner von Hanstein, Seconded by Commissioner Kurtz to approve the minutes as presented. Unanimously Approved.

CONSENT AGENDA

Motion to accept as information the December 2021 payables to include General Fund in the amount of \$654,177.14, TSPLOST in the amount of \$129,268.10, SPLOST in the amount of \$197,614.47, General Fund electronic payments in the amount of \$59,016.15 and the December 2021 financials.

MOTION by Commissioner Ainslie, Seconded by Commissioner Harris to approve the consent agenda as presented. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO CHAPTER 7.44 RELATED TO AGRICULTURAL EVENT FACILITIES AND ASSOCIATED DEFINITIONS.

Planning Director Chuck Jarrell presented a text amendment to add Agricultural Event Facilities to the Morgan County Zoning Ordinance. Recently, the Planning Commission heard two applications for rodeo-related event facilities in September 2021. The Planning Commission determined that there were enough differences between equestrian events and other events to justify a separate ordinance specifically for equestrian events. The proposed language is similar to the existing event facility language, as both uses involve the same concerns and issues. However, the new language addresses the aspects that differentiate agricultural events from others, such as the inclusion of living quarter trailers.

The Planning Commission voted unanimously to approve the new language with three additions that were updated in the proposed language presented today:

1. Proof of liability insurance with a minimum amount of one million dollars.

2. Speaking events are allowed in conjunction with agricultural activities utilizing livestock as part of the activity.
3. Records must be maintained of medical staff present at each event.

Chairman Riden allowed proponents to speak:

No one spoke in favor.

Chairman Riden allowed opponents to speak:

No one spoke in opposition.

MOTION by Commissioner von Hanstein, Seconded by Commissioner Harris to table the item for further review. Unanimously Approved.

ROBERT WAYNE HILL IS REQUESTING CONDITIONAL USE APPROVAL FOR AN AGRICULTURAL EVENT FACILITY ON 21.77 ACRES LOCATED AT 2020 APALACHEE RIVER ROAD, MADISON (TAX PARCEL051-013C).

Mr. Hill is requesting a conditional use approval for an event facility on 2020 Apalachee River Road, specifically for ranch sorting events. Mr. Hill purchased the property several years ago and in 2018, built a 16,200 square foot covered arena. At that time the arena was for his personal use to practice sorting. Over time, it grew with other individuals using the facility to practice and teach how to sort for competitions.

Earlier last year, planning staff came across advertisements for organized events. Mr. Hill was then notified if he was going to continue to have organized events, he would need to become an event facility. Mr. Hill complied and went through the process this past September. At the time, the facility met the setback requirements of 15 feet from a side property boundary. However, under the new proposed regulations in the proposed ordinance presented before the Board today, it does not meet the setback requirement of 100 feet from a property boundary (even though Mr. Hill owns the boundary property).

The Planning Commission recommended approval with the following conditions:

1. A certificate of completion for the structure must be obtained.
2. A plat must be recorded depicting the appropriate setbacks from the property lines.

Chairman Riden allowed proponents to speak:

No one spoke in favor.

Chairman Riden allowed opponents to speak:

No one spoke in opposition.

MOTION by Commissioner von Hanstein, Seconded by Commissioner Harris to table the item for further review. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO CHAPTER 7.1 RELATED TO ACCESSORY BUILDINGS AND ASSOCIATED DEFINITIONS.

Possible changes to accessory buildings were discussed at the planning retreat in October 2021. The requested text amendments are a result of that discussion and issues encountered by planning staff as it relates to accessory buildings that include full bathrooms and laundry rooms that often become illegal accessory dwellings. The proposed language provides a limit to the number of plumbing fixtures allowed in accessory buildings and limits the size of residential accessory buildings. Agricultural buildings can be larger than the house and can be built before the house, but not residential accessory buildings. The language also clarifies which plans are required and how they should be submitted.

The Planning Commission unanimously recommended approval of the text amendment changes with a few wording changes, which have been reflected in the version presented today.

Chairman Riden allowed proponents to speak:

No one spoke in favor.

Chairman Riden allowed opponents to speak:

No one spoke in opposition.

MOTION by Commissioner von Hanstein, Seconded by Commissioner Kurtz to table the item for further review and public comment. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO CHAPTER 7.2 RELATED TO ACCESSORY DWELLINGS AND ASSOCIATED DEFINITIONS.

The most significant proposed changes in this request are accessory dwellings will not be allowed in accessory buildings as apartments (they would have to be a stand-alone structure), minimum acreage requirement and the increase of square footage allowed. This proposal only allows accessory dwellings as detached residential structures or an addition to the existing home. A minimum acreage was added to allow for ample space for two septic drainage systems (including back-up fields). Square footage increases from 800 square feet to 1200 square feet with an unlimited allowance for open attached square footage such as porches and carports.

Below is the proposed language:

Chapter 7.2 Accessory Dwellings and Accessory Building Apartments

Section 7.2.1 Purpose and Intent

It is the purpose of this chapter to regulate the establishment of accessory dwellings within or in conjunction with single-family dwellings, ~~and apartments within accessory buildings~~, while preserving the character of single-family neighborhoods. The primary purpose of this chapter shall be to permit establishment of additional living quarters within single-family residential neighborhoods in order to make it possible for adult children to provide care and support to a parent or other relatives in need of assistance. A maximum of one accessory dwelling ~~or accessory building apartment~~ shall be permitted as subordinate to a new or existing single-family dwelling if the accessory dwelling ~~or accessory building apartment~~ and lot meet the requirements of this chapter. No accessory dwelling ~~or accessory building apartment~~ shall be constructed prior to the construction of the principal dwelling.

Section 7.2.2 Accessory Dwellings

A detached accessory dwelling may be constructed, as a permitted use, meeting the requirements of this Chapter and the Zoning requirements of Table 4.1 and the Dimensional Requirements of Table 4.2.

An accessory dwelling may also be located within, or constructed as an addition to, a principal dwelling as a permitted use.

Section 7.2.2 Conditional Use Required for Accessory Building Apartments and Detached Accessory Dwellings

Section 7.2.3 Existing Dwelling to be used as an Accessory Dwelling

~~An accessory dwelling may be located within, or constructed as an addition to, a principal dwelling as a permitted use. A detached accessory dwelling or an apartment located within or attached to an accessory building shall require conditional use approval. If an existing dwelling structure meets or exceeds the maximum square footage and an additional separate dwelling exceeding the maximum square footage for an accessory dwelling is desired, the property must be split to allow for a second principal dwelling, or a Variance must be requested in addition to the Conditional Use.~~

Section 7.2.34 Lot Standards

Accessory dwellings ~~and accessory building apartments~~ may be constructed on lots of **three (3) acres or more** any size provided that all other applicable zoning requirements are met. Compliance with all requirements of the county health department for on-site sewerage and well regulations is required. ~~An accessory dwelling or accessory building apartment shall not be served by a driveway separate from that serving the principal dwelling. Accessory dwelling and accessory building apartments shall share an electrical meter and address as the principal dwelling.~~

Section 7.2.45 Occupancy Standards

All lots containing accessory dwellings ~~and accessory building apartments~~ shall be owner occupied. ~~No lot shall be occupied by more than one family. This limitation shall be interpreted to accomplish its purpose, which is to ensure that the approval of an accessory dwelling or accessory building apartment shall not increase the overall density of a single-family residential neighborhood. At no time shall the principal dwelling and accessory dwelling be rented separately or as a short-term rental.~~

“Owner-occupied” shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and resides at the site more than six months of any given year, ~~and at no time receives rent for the owner-occupied unit.~~

Section 7.2.56 Subdivision

The accessory dwelling, ~~accessory building containing an apartment~~, or the lot on which such accessory dwelling ~~or accessory building apartment~~ is located, shall not be subdivided, or otherwise segregated in ownership from the principal dwelling unit or the land on which the principal dwelling unit is located.

Section 7.2.67 Size and Connectivity

Detached accessory dwellings are limited to **a minimum of 300 square feet and a maximum of 1200** ~~800~~ heated square feet **enclosed, heated or unheated. Unenclosed porches do not count towards the unheated area. and 1,000 square feet total (including unheated square footage such as garages and porches).**

Detached accessory dwellings may be **constructed** on a slab or crawlspace foundation only; no basements are **permitted** allowed. ~~Accessory building apartments are limited to 800 heated square feet and must have 2 hour rated separation from the rest of the accessory building.~~

An accessory dwelling **may be** located within **the principal dwelling, in areas such as, the basement, or above an attached garage**, or attached to a principal dwelling **as a wing** shall be connected by conditioned space. Accessory dwellings attached to a principal dwelling **shall not** ~~cannot~~ be attached by a breezeway or unconditioned space such as a garage.

An accessory dwelling shall share the same driveway as well as the same electrical service meter and address as the principal dwelling.

Section 7.2.78 Architectural Design

The addition of an accessory dwelling, attached or detached, shall be allowed only if the single-family appearance and character of the lot and neighborhood are maintained. The design of the accessory dwelling shall be consistent with the design of the principal dwelling and shall maintain the style, appearance, and character of the principal dwelling, and shall use matching materials, colors, window style, and comparable roof appearance.

Detached accessory dwellings **shall** ~~must~~ be constructed ~~stick built~~ on site, **utilizing dimensional lumber meeting the requirements of the residential building code**; manufactured homes, storage containers, metal buildings or pre-built wood framed structures shall not be **used** permitted as accessory dwellings.

Section 7.2.8 Entrances and Stairs

Only one entrance shall be allowed per fronting street. Exterior stairways shall not be constructed on the front of the principal dwelling ~~or accessory building apartment~~.

Section 7.2.9 Affidavit Recording Requirements

Prior to issuance of a building permit by the Planning and Development office, the applicant shall record the affidavit with the Morgan County Clerk of Court and provide a copy of the recorded affidavit. Said affidavit shall identify the address and legal description of the property and state the following: the property owner resides in either the principal dwelling for more than six months each year, that the owner will notify any prospective purchaser of the property of the limitations and requirements of this chapter, and that the permit will be revoked if the accessory dwelling unit at any time fails to meet the requirements of this chapter. The document shall run with the land and bind all current and future property owners, and the owner's assigns, beneficiaries, and heirs.

Section 7.2.10 Enforcement

Morgan County retains the right (with reasonable notice) to inspect the accessory dwelling or an existing accessory building apartment for compliance with the permit and this chapter.

Chairman Riden allowed proponents to speak:

No one spoke in favor.

Chairman Riden allowed opponents to speak:

No one spoke in opposition.

MOTION by Commissioner Kurtz, Seconded by Commissioner Harris to approve the text amendment request to Chapter 7.2 related to accessory dwellings to include a reference for conditional use/variance requests on structures greater than 1200 square feet. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO TABLE 4.1: PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT.

This amendment includes the addition of accessory dwellings meeting the criteria of the ordinance as permitted uses and the following qualifiers:

- (q) Approval of sewage disposal system required. Minimum lot size of three (3) acres necessary for Permitted. Less than three (3) acres requires Conditional Use approval.
- (r) No I-beam or tubular steel buildings shall be used for attached or detached single family dwellings, accessory dwelling, or tenant dwellings.
- (s) No attached or detached single family dwellings, accessory dwelling, or tenant dwelling shall have metal siding.

The proposed changes correspond with the changes proposed for Chapter 7.2 regarding accessory dwellings.

Chairman Riden allowed proponents to speak:

No one spoke in favor.

Chairman Riden allowed opponents to speak:

No one spoke in opposition.

MOTION by Commissioner Ainslie, Seconded by Commissioner Harris to approve the text amendment to table 4.1 with the addition of adding letter (t) under qualifiers to allow conditional use/variance requests for structures greater than 1200 square feet. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO TABLE 4.2: DIMENSIONAL REQUIREMENTS BY ZONING DISTRICT.

The proposed language changes the minimum heated square footage in any zoning district to 1200 square feet. Language is also included to accompany the text amendment for Chapter 7.2 for accessory dwellings.

Chairman Riden allowed proponents to speak:

No one spoke in favor.

Chairman Riden allowed opponents to speak:

No one spoke in opposition.

MOTION by Commissioner Ainslie, Seconded by Commissioner von Hanstein to table the item for further review. Unanimously Approved.

MORGAN COUNTY PLANNING & DEVELOPMENT IS REQUESTING A TEXT AMENDMENT TO CHAPTER 7.43 RELATED TO RECREATIONAL VEHICLES AND ASSOCIATED DEFINITIONS.

This text amendment outlines parameters to allow individuals to live in an RV on their property during construction of their primary dwelling.

Below is the proposed language:

Chapter 7.43 Recreational Vehicles

Section 7.43.1 Purpose and Intent

The purpose of this Chapter is to detail Morgan County's Individual Recreational Vehicle regulations, which are separate from regulations described in this Ordinance for Recreational Vehicle Parks. It is Morgan County's policy that Recreational Vehicles shall not be considered equivalent to, nor be permitted as, nor be occupied as, a permanent residential structure.

Section 7.43.2 Prohibitions

No Recreational Vehicle shall be stored on property that does not contain a principal residence.

Recreation Vehicles shall not be permitted or occupied as a permanent residence in any zoning district.

No Recreational Vehicle shall be connected to a well, public water source, septic tank, sewer system or ~~to an electrical power~~. Exception:

1. When a Recreation Vehicle is in a legally approved Recreational Vehicle Park or Campground, or otherwise approved in Section 7.43.4; or
2. When a Recreation Vehicle is part of an established hunting camp that has these amenities pre-existing to the adoption of this ordinance.

No electrical permit for a temporary electric pole shall be issued for a recreational vehicle.

Sanitary waste or grey water from Recreational Vehicles shall not be discharged, buried, or otherwise disposed of on the ground.

No Recreational Vehicle that is wrecked, dismantled, inoperative, dilapidated, or unregistered shall be parked or stored in any zoning district. Any Recreational Vehicle meeting these criteria, shall be deemed a public nuisance.

Except for the purpose and time frame provided for in Section 7.43.4, no electrical cords or generators may be used to provide power to any Recreational Vehicle, nor may any water line be connected. In addition to the presence of water, septic or electrical connections, the following factors may constitute acts to be considered indicative of residential use:

1. Evidence of persons entering or exiting the vehicle
2. Illumination of the vehicle
3. Accessory structures about the vehicle
4. Window masking
5. Slide-outs extended

Section 7.43.3 Storage of Recreational Vehicles

No Recreational Vehicle ~~may~~ shall be stored on property that does not contain a residence.

Legally stored Recreational Vehicles shall not be used for living, sleeping or housekeeping purposes, nor shall they be used as storage sheds.

No more than one Recreational Vehicle may be stored on property in any zoning district, unless approved as a Recreational Vehicle Park or Campground.

Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle.

Recreational Vehicles shall be parked in the side or rear yard of the principal residence. Recreational Vehicles may be parked inside an enclosed accessory building located in the front yard, if permitted.

No Recreational Vehicles shall be parked or stored within any designated setback for the district.

Section 7.43.4 Recreational Vehicles as Temporary Housing

Section 7.43.4.1 – Traveling Guest Accommodations

Recreational Vehicles may be used as temporary guest housing in zoning districts where single family dwellings are permitted. Recreational Vehicles that are owned by non-Morgan County residents, guests or visitors and are registered and tagged from outside the county may be parked or occupied by guests or visitors on property on which a permanent occupied dwelling is located for a total cumulative period not to exceed 30 days per calendar year while visiting the resident of such property. This cumulative total period may include visits by a single guest or multiple guests over the period, but no more than one recreational vehicle at a time.

If guests are staying for more than nine (9) consecutive days at any one time, the property owner must obtain a Recreational Vehicle Temporary Guest permit. Recreational Vehicle Temporary Guest permit shall not be valid for more than thirty (30) days in a calendar year.

Recreational Vehicles shall not be parked on a street, sidewalk, right-of-way or within a required setback.

Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle. The Recreational Vehicle must be road worthy and maintained in good condition. Waste disposal shall be limited only to the Recreational Vehicle's holding tank or to an above ground holding tank that is regularly pumped by a waste disposal company. A Recreational Vehicle shall not be connected directly to a septic tank or sewer connection.

Section 7.43.4.2 – Special Circumstance Accommodations

A Recreational Vehicle may be approved as temporary housing for a limited time up to ~~six (6)~~ **twelve (12)** months under special circumstances. Those special circumstances include temporary accommodation **during the construction of a new home**, the reconstruction of the principal residence on the subject property after a natural disaster, such as a tornado, or due to fire or water damage, or for temporary medical care of a family member.

Applicant must obtain a Recreational Vehicle Temporary Housing permit, which shall not be valid for more than ~~six (6)~~ **twelve (12)** months. To renew this permit, the applicant must receive approval from the Morgan County Board of Commissioners.

The Recreational Vehicle Temporary Housing permit application must be accompanied by the following:

- "Letter of Need", explaining the circumstances requiring the need for temporary housing.
- Fire damage: Copy of fire report with pictures.
- Tornado and water damage: Copy of insurance report with pictures.
- Medical care: Letter from the medical care provider, identifying the level of home care and approximate time.

Those obtaining a Recreational Vehicle Temporary Housing permit application to occupy a recreational vehicle while constructing a new home must submit the following:

- **Evidence of a valid building permit.**
- **A deposit of \$6,000.00.**

The deposit is refundable under the following conditions:

- **Compliance with this Section – Special Circumstance Accommodations.**
- **Continuous active construction during the twelve (12) months from the issuance of the Recreational Vehicle Temporary Housing permit.**
- **Must obtain a Certificate of Occupancy prior to the expiration of the Recreational Vehicle Temporary Housing permit.**

Additional restrictions for a Recreational Vehicle Temporary Housing permit to occupy a recreational vehicle while constructing a new home:

- No property within a common development shall qualify for a Recreational Vehicle Temporary Housing permit.
- No property less than 5 acres shall qualify for a Recreational Vehicle Temporary Housing permit.
- A Recreational Vehicle Temporary Housing permit shall only be issued once, per property and per applicant, and shall not be extended.
- Building activity must start immediately upon issuance of a residential building permit and the first legitimate building inspection must occur within the first 45 days. Driveway inspections shall not be considered a first inspection. Failure to meet this threshold will result in forfeiture of deposit, immediate removal of the recreational vehicle and potential citations.
- Building activity must be continuous. Any cessation of activity for 120 days will result in forfeiture of deposit, immediate removal of the recreational vehicle and potential citations.

The application and supporting documentation will be evaluated to determine if administrative approval may be granted for using a Recreational Vehicle as temporary housing.

Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle. The Recreational Vehicle must be road worthy and maintained in good condition. Waste disposal shall be limited only to the Recreational Vehicle's holding tank or to an above ground holding tank that is regularly pumped by a waste disposal company. A Recreational Vehicle shall not be connected directly to a septic tank or sewer connection. No structures such as porches, storage space, additional rooms, permanent stairs, or the like, may be attached to the recreational vehicle.

Section 7.43.4.3 – Hunting Lease Accommodations

A Recreational Vehicle may be approved as temporary housing for seasonal hunting accommodations. Applicants shall obtain a yearly Seasonal Hunting Accommodation permit to occupy a Recreational Vehicle on any leased property in Morgan County during hunting season.

The Seasonal Hunting Accommodation permit application must be accompanied by the following:

- Copy of Hunting Lease with property owner.
- Map of leased property indicating location of Recreational Vehicle.

Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle. The Recreational Vehicle must be road worthy and maintained in good condition. Waste disposal shall be limited only to the Recreational Vehicle's holding tank; to an above ground holding tank or portable toilet that is regularly pumped by a waste disposal company. A Recreational Vehicle shall not be connected directly to a septic tank or sewer connection unless connections are pre-existing. No permanent or temporary electrical poles shall be allowed unless the electrical poles are pre-existing. No structures such as porches, storage space, additional rooms, permanent stairs, or the like, may be attached to the recreational vehicle.

Recreational Vehicles must be removed from leased property at end of said hunting season.

Section 7.43.5 Recreational Vehicle Registration

When required by this Chapter, individuals will be required to file an application with supporting documentation to obtain a permit. Applications can be obtained from Morgan County Planning and Development to register Recreational Vehicle. A copy of the registration certificate must be attached to a window, visible from the exterior of the Recreational Vehicle. A registration fee may be required as approved, from time to time, by the Morgan County Board of Commissioners.

Section 7.43.6 Penalties

Failure to follow the requirements of this Chapter may result in the revocation of the use permit, denial of future use permits, or citations per day that the violation exists. Penalties for Violation is further described in Chapter 2.17 of this Ordinance.

Chairman Riden allowed proponents to speak:

No one spoke in favor.

Chairman Riden allowed opponents to speak:

No one spoke in opposition.

MOTION by Commissioner Kurtz, Seconded by Commissioner Ainslie to approve the text amendment to Chapter 7.43 related to Recreation Vehicles and associated definitions with the addition to allow the Planning Director discretion to extend construction time as they deem necessary. Unanimously Approved.

1010 APALACHEE RIVER ROAD, LLC IS REQUESTING A TEXT AMENDMENT TO CHAPTER 7.18 OF THE MORGAN COUNTY ZONING ORDINANCE TO ADD LONG TERM STAY RECREATIONAL VEHICLE PARKS.

No action was taken - Applicant withdrew the application.

1010 APALACHEE RIVER ROAD, LLC IS REQUESTING CONDITIONAL USE APPROVAL TO ALLOW A LONG TERM STAY RECREATIONAL VEHICLE PARK ON 10.88 ACRES LOCATED AT 1010 APALACHEE RIVER ROAD (TAX PARCEL 051-001).

No action was taken - Applicant withdrew the application.

RESOLUTION-2022 QUALIFYING FEES

OFFICE	QUALIFYING FEE
Board of Education (Districts 4 and 5)	\$113.00
County Commissioner (Districts 1 and 2)	\$144.00

Motion made by Commissioner Ainslie, Seconded by Commissioner Harris to approve the 2022 qualifying fees for Morgan County Elections (2022-RES-001). Unanimously Approved.

DEVELOPMENT AUTHORITY BOARD VACANCIES

MOTION by Commissioner Ainslie, seconded by Commissioner von Hanstein to reappoint Wayne Tamplin and Sarah Reams to the Development Authority Board with term beginning January 01, 2022 and ending December 31, 2025. Unanimously Approved.

COUNCIL ON AGING BOARD VACANCIES

MOTION by Commissioner Harris, seconded by Commissioner Ainslie to reappoint Minnie Peak and appoint Kay Argroves to the Council on Aging Board with term beginning January 01, 2022 and ending December 31, 2024. Unanimously Approved.

SHERIFF'S OFFICE VEHICLE

The Sheriff's Office had an immediate need for a replacement vehicle. They located a Kia Telluride in production available at Government Contract Pricing. The cost of the vehicle was \$51,502.00. The purchase of this vehicle will reduce their budgeted allotment of vehicles for FY23. The Chairman of the Board was consulted and agreed to the purchase.

MOTION by Commissioner von Hanstein, seconded by Commissioner Ainslie to ratify the purchase of the Kia Telluride from Sons Auto Group for \$51,502.00. Unanimously Approved.

KELLAR ZONING APPEAL

Wilson Dubose spoke before the Board representing Jeffery Kellar and Gregory Kellar. The Kellar's want to appeal a decision by Planning Director Chuck Jarrell that was made October 28, 2021 denying approval of a subdivision plat for the division of tax parcel 0028-001B. Jarrell's letter states the reason for denial is that the land division submitted does not meet the requirements of the Morgan County Zoning Ordinance or the Development Regulations. He also stated in the letter that Morgan County no longer permits parcels of land to be subdivided on an easement and that all parcels must have road frontage on a county or private road built to county standards.

Dubose stated the Kellar's mother purchased the property in 1994 after receiving verbal confirmation from Charles Rosebrough, an employee of Morgan County, that the property could be subdivided. After Mrs. Kellar purchased the property in 1994, another request was made in 2001 to Chuck Jarrell to confirm the prior guidance received from Mr. Rosebrough. Jarrell responded with a letter dated August 6, 2001 and affirmed that the property could be subdivided.

Since the last letter dated August 6, 2001, no attempts were made to subdivide the property until 2021. However, Dubose stated the Kellar's made substantial expenditures related to the property based upon the 2001 letter stating the property could be subdivided.

Jarrell stated when he received the plat submitted by the Kellar's in 2021, he denied it based on the current requirements of the Development Regulations. If the property had been subdivided in 2001, it would have been allowed. However, under today's regulations, properties are no longer allowed to be split on easements. Road access is required. Their vested rights are not being denied. There is ample road frontage on Double Bridges Road to subdivide the property, but the Kellar's want to subdivide the property with an access easement by the railroad.

MOTION by Commissioner Kurtz, seconded by Commissioner Harris to deny the Kellar's request. Commissioner Ainslie voted with the motion and Commissioner von Hanstein abstained from voting. Motion Passed.

COUNTY MANAGER REPORT

County Manager, Adam Mestres, presented a monthly overview of Morgan County government's current projects and/or issues.

PUBLIC COMMENTS ON AGENDA ITEMS

No public comments were made.

MOTION by Commissioner Ainslie, seconded by Commissioner von Hanstein to exit regular session at 12:32 p.m. Unanimously Approved.

EXECUTIVE SESSION- POTENTIAL LITIGATION

MOTION by Commissioner Ainslie, seconded by Commissioner Harris to enter Executive Session to discuss potential litigation at 12:40 p.m. Unanimously Approved. (Original signed Affidavit in Executive Session Legal Requirement Book).

MOTION by Commissioner Ainslie, seconded by Commissioner von Hanstein to exit Executive Session and adjourn at 1:08 p.m. Unanimously Approved.

Ben Riden, Jr., Chairman

ATTEST:

Leslie Brandt, County Clerk