

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.

SCHEDULED PUBLIC COMMENT

Tonya Bechtler spoke before the Board to express her opposition regarding Rivian.

AGENDA APPROVAL

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

MINUTES

January 04, 2022 BOC Meeting

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

CONSENT AGENDA

Motion to accept as information the January 2022 payables to include General Fund in the amount of \$679,013.85, TSPLOST in the amount of \$174,124.74, SPLOST in the amount of \$201,368.27, General Fund electronic payments in the amount of \$140,712.83 and the January 2022 financials.

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

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

At the January 4, 2022, regular meeting, the proposed new language for Agriculture Event Facilities was presented to the Commissioners. The Board of Commissioners tabled the new language and requested that staff define “Events” and what constitutes an event. Staff has added a definition for “Event” and revised the definition of “Event Facility” to better clarify what an event is and where it can be held.

Proposed Language:

Article 3 – Definitions of Terms

Event – Any activity that is organized for a special purpose that usually involves a large group of people. For example: reunions, weddings, concerts, festivals, parades, sporting events, equestrian and agricultural events, charity, or fundraising events, political or publicity events, corporate or trade events or any other organized event open to the public or by invitation.

Event Facility: A building, structure, or site where events for entertainment, education or gatherings are provided, for compensation, in which the facility is rented or otherwise provided regardless of for payment, recompense, or remuneration, or in which a fee is charged to access the facility, in the form of admission charge, parking fee or other monetary exchange.

Chapter 7.44 Agricultural Event Facilities

Section 7.44.1 Restrictions

Agricultural Event Facilities are any structures or land that are used for public or private agriculturally- related events, including competitions, exhibitions or displays of equestrian skills. An Agricultural Event Facility is composed of all arenas, paddocks, corrals, barns, show rings, box stalls, manure storage, parking and access roads used by participants or attendees. Agricultural Event Facilities are not auction houses, nor can they host weddings, receptions, concerts, or other non-agriculturally related activities. Speaking events are allowed in conjunction with agricultural activities utilizing livestock as part of the activity.

The Morgan County Planning Commission or the Morgan County Board of Commissioners may impose restrictions in addition to those contained in these regulations. Not all sites within each zoning classification may be appropriate for Agricultural Events. Particular emphasis will be given to the size of the facility, the character of the property involved, and its proximity to other uses. Potential adverse impacts on adjacent or nearby residential areas will be considered.

Section 7.44.3 Site Requirements

The minimum lot size for Agricultural Event Facilities shall be twenty (20) acres.

All agricultural event facility structures, whether permanent or temporary (e.g. Buildings, grandstands, or tents), including outdoor arenas, paddocks, corrals and show rings, shall have a minimum setback of 100 feet from all adjacent properties.

Parking areas for passenger vehicles and animal trailers must be 50 feet from all property lines. Parking for living quarters trailers and recreational vehicles must be 200' from all property lines.

All event arenas, show rings, seating areas, observation areas and food service facilities, or any area with loudspeakers, piped audio, or event lighting, must be a minimum of 500 feet from the nearest residential structure, not occupied by the event facility owner.

Section 7.44.4 General Requirements

Agricultural Event Facilities shall have an annual safety inspection by the Building Official and valid Occupational Tax Certificate. Proof of liability insurance with a minimum amount of one million dollars must be provided prior to issuance of an Occupational Tax Certificate.

A Certificate of Occupancy shall be issued for all permanent Agricultural Event Facility structures.

All temporary buildings, enclosed tents and grandstands shall be inspected by the Building Official prior to the event.

Set-up for any event shall not begin more than 48 hours prior to an event and must be removed within 48 hours after the end of an event unless prior approval is given from the Director of Planning and Development.

No single event shall last longer than three (3) consecutive days unless pre-approved by the Director of Planning and Development.

No event shall begin before 7:00 a.m. and must end by 11:00 p.m.

Permanent toilet facilities, as required by the International Plumbing Code for sporting events, shall be provided. Portable toilets may be utilized to supplement permanent toilet facilities for large festival events. Non-sewered toilets that are treated with chemicals must conform to the provisions of the International Plumbing Code, and all applicable regulations that apply to the disposal of sewerage.

Ample trash receptacles shall be provided in the event area and parking area.

Permanent or temporary lighting shall be provided for any Agricultural Event Facility holding events after dark or that allows individuals to remain on site after dark. All site lighting shall be down lighting and shall be directed away and shielded from adjacent properties. For additional information for site lighting, see Article 22 of the Morgan County Zoning Ordinance.

The Agricultural Event Facility owner or manager must coordinate all parking. Parking spaces must be provided for the maximum number of people to be assembled at a rate of at least one parking space for every four persons. Provisions must be provided for overflow parking.

Adequate cell phone service must be available, or a telephone must be provided at the facility for public use.

Section 7.44.5 Living Quarters Trailers

Living quarters trailers are permitted to stay up to 3 nights per event. Electrical hook-ups may be provided but sewage pumping, and storage is not allowed. Hookups shall require be a minimum of 30 amps and shall require an electrical permit and inspection.

All overnight stays shall comply with hotel-motel excise tax regulations (Morgan County Code of Ordinances, Section 66-25, Excise Tax on Furnishings of Hotel-Motel Rooms).

Section 7.44.5 Outdoor Noise Levels

Noise levels generated from Agricultural Event Facilities shall not exceed 60 dbA. These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI) and shall be made with a sound level meter using the (a-) weighting scale. Measurements shall be taken at the property line.

The Excessive Noise Ordinance (Chapter 46, Article II of the Morgan County Code of Ordinances) will be strictly enforced between the hours of 11:00 p.m. and 7:00 a.m.

Section 7.44.6 Safety and Security

The Planning and Development Office and Morgan County Sheriff's Office must be notified of pending events a minimum of 14 days prior to the event, and must be provided with the date, length of time and expected number of people. Information will be shared with other emergency services. The manager or owner of the Event Facility may be contacted if the Planning and Development Office, Sheriff's Office or other EMS office has questions regarding the event.

Road closures must be coordinated with the Morgan County Sheriff's Office and approved by the Morgan County Board of Commissioners 45 days prior to the event.

Traffic lanes and other adequate access to event structures shall be designated and kept open for access and travel for ambulances, fire trucks, and other emergency vehicles.

Emergency medical staff must be provided for all competition events. Records of medical staff present at each event shall be maintained by the facility owner.

The Agricultural Event Facility owner or manager is solely responsible for assessing security needs and providing adequate staff.

Fire extinguishing devices must be provided, sufficient to meet all State and local standards and sufficient (knowledgeable) personnel must be present to operate such devices.

All equipment, regardless of power source, must comply with all Federal, State, and local safety codes. All vending areas and tents are subject to inspection by the Morgan County Building Inspectors.

Section 7.44.7 Food and Alcohol

The Agricultural Event Facility owner or manager is solely responsible for ensuring that all food concessionaries are properly licensed.

Events selling alcoholic beverages shall have an Alcoholic Beverage Catering License issued by Morgan County and comply with Chapter 6, Alcoholic Beverage Ordinance of the Morgan County Code of Ordinances.

Section 7.44.8 Signs

Permanent business signs must comply with Article 27 of the Morgan County Zoning Ordinance. Directional signage must be provided a minimum of 12 hours and a maximum of 24 hours prior to an event on the road with the facility entrance. A total of 5 directional signs, with a maximum size of 12 square feet each, shall indicate the following: 1. Entrance approaching in 300 feet (each direction); 2. Entrance approaching in 150 feet (each direction); 3. Entrance location across the road from entrance. Directional signs shall be removed within 12 hours of event.

Section 7.44.9 County Not Liable

The Event Facility must sign an agreement to save and keep Morgan County free and harmless from any and all loss or damages or claims for damages, including attorney's fees and litigation costs, arising from or out of any event.

Prior to the issuance of an Occupational Tax Certificate each year, an affidavit must be signed by the owner or manager of the Event Facility acknowledging responsibility for all security needs, and adherence to all Federal, State, and local safety codes via self-inspections.

Chairman Riden allowed proponents and opponents to speak:

No one spoke in favor or against the proposed language.

MOTION by Commissioner Kurtz, Seconded by Commissioner Harris to approve the new language to the Morgan County Zoning Ordinance Chapter 7.44 Agricultural Events. Motion Passed Unanimously.

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).

This item was tabled at the January 4th, 2022 BOC meeting for further review. 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.

In September 2021, Mr. Hill applied for an event facility conditional use. After Mr. Hill's presentation, the Planning Commission recommended staff draft a new ordinance (which was passed today by the BOC), to address equestrian and agricultural events.

Mr. Hill meets all the requirements of the ordinance except for the setback from side properties. Currently, the existing event facility structure is 15' from the side property line, and the ordinance requires a 100' setback. Mr. Hill does own the adjoining property and can reconfigure the boundaries to meet the 100' setback that is required.

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 and opponents to speak:

Mr. Hill spoke in favor of the conditional use request to operate an agricultural event facility on his property.

MOTION by Commissioner Kurtz, Seconded by Commissioner Harris to approve the conditional use for an agricultural event facility at 2020 Apalachee River Road subject to the following conditions: must maintain a \$1,000,000 liability policy, combine properties to meet the 100' setback requirement (plat must be recorded), and certificate of occupancy must be obtained. Motion Passed Unanimously.

OSBORNE APPEAL

Wesley Osborne of 4700 Sandy Creek Road, Madison was in the process of installing a 250' fence along his property when he was instructed to cease installation by code enforcement due to the fence being placed in the county right-of-way. Mr. Osborne spoke before the Board to request a right-of-way variance to continue the fence installation for the safety of his children and to keep trash from entering his property.

MOTION by Commissioner Ainslie, Seconded by Commissioner Harris to deny the right-of-way variance request. Motion Passed Unanimously.

FAIRPLAY QUICK MART - HITESH PATEL - RETAIL ALCOHOLIC BEVERAGE LICENSE

The Fairplay General Store located at 2700 Fairplay Road recently sold to Hitesh Patel. Mr. Patel will be operating the store under the new name of Fairplay Quick Mart and has met all requirements of the Code of Morgan County to acquire a retail alcoholic beverage license.

MOTION by Commissioner Kurtz, Seconded by Commissioner Ainslie to approve the application submitted by Hitesh Patel for a retail Alcoholic Beverage License at the Fairplay Quick Mart. Motion Passed Unanimously.

RESOLUTION TO AMEND 457(b) PLAN TO ADD ROTH

The resolution and plan amendment presented will allow eligible employees to make ROTH contributions under the ACCG 457(b) retirement plan.

MOTION by Commissioner Kurtz, Seconded by Commissioner Harris to approve the 457(b) plan amendment #1 and resolution 2022-RES-002 to add ROTH contributions. Motion Passed Unanimously

DUPREE TRACK RE-SURFACING

The Dupree Track is in need of resurfacing. The project will be a joint collaboration with the Board of Education, with the County contributing 50% from SPLOST funds. One bid was received from Sports Turf for \$309,780.

MOTION by Commissioner Ainslie, Seconded by Commissioner Harris to award the project to Sports Turf for \$309,780, contingent on approval of the Board of Education to provide 50% of project funds. Motion Passed Unanimously.

PURCHASE OF ROTARY CUTTERS

Public Works is requesting to replace rotary cutters that were purchased in FY2020 due to poor performance. After conducting research, staff recommends purchasing Bush Hog models 3810 and 3815 from the low bidder Lovin Equipment. The total for 2 Bush Hog models 3810 and 2 Bush Hog models 3815 is \$90,223.

Rotary Cutters Bid Tabulation		
Company	Product/Service Description	Price
Lovin Equipment & Sales	2 Bush Hog Model 3810 & 2 Bush Hog Model 3815	\$90,233
Atlantic Southern	2 Bush Hog Model 3810 & 2 Bush Hog Model 3815	\$116,464
Atlantic Southern	2 Schulte FX1200 & 2 Schulte FX1800	\$112,750

MOTION by Commissioner Kurtz, Seconded by Commissioner Ainslie to approve the purchase of two Bush Hog Model 3810 and two Bush Hog Model 3815 from Lovin Equipment for \$90,233. Motion Passed Unanimously.

PURCHASE OF INFIELD GROOMING MACHINE

Bids were obtained for an infield groomer and rake for the Recreation Department.

Infield Groomer Bid Tabulation		
Company	Product/Service Description	Price
Greenville Turf & Tractor	John Deere GL650 infield groomer & 1200 hydro rake	\$18,630.69
Jerry Pate Turf & Irrigation	Toro Sand Pro 3040 & QAS Flex Groomer kit	\$32,488.50
Ag Pro	Unable to bid both John Deere units	

MOTION by Commissioner Harris, Seconded by Commissioner Kurtz to approve the purchase of an infield finisher and rake from Greenville Turf & Tractor for \$18,630.69. Motion Passed Unanimously.

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 11:06 a.m. Motion Passed Unanimously.

EXECUTIVE SESSION- PERSONNEL & PENDING LITIGATION

MOTION by Commissioner Ainslie, seconded by Commissioner Harris to enter Executive Session to discuss personnel and pending litigation at 11:16 a.m. Motion Passed Unanimously. (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 12:50 p.m. Motion Passed Unanimously.

Ben Riden, Jr., Chairman

ATTEST:

Leslie Brandt, County Clerk