

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 5:00 p.m., followed by the Pledge of Allegiance and Invocation.**

### **AGENDA APPROVAL**

**Motion** by Commissioner Harris, Seconded by Commissioner Kurtz to approve the agenda with the following addition: Executive Session-Personnel & Litigation. Motion Passed Unanimously.

### **MINUTES**

March 01, 2022 BOC Meeting

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

### **KINGSTON RANCH, LLC, IS REQUESTING A MODIFICATION TO AN EXISTING LAKESHORE TOWN CENTER OVERLAY (LTCO) ZONING APPROVAL FOR 882.87 TOTAL ACRES LOCATED ON KINGSTON ROAD (TAX PARCELS 066-002 AND 066-003)**

Planning Director, Chuck Jarrell presented a modification request from Kingston Ranch LLC to the development agreement for the Lake Town Center Overlay (LTCO) located on Kingston Road and Marshall Road that was approved in 2007. Shortly after construction started on the development after its initial approval, the recession hit, and construction stopped and has remained dormant. Since that time, the property has been sold twice. The new owners are here to modify the development agreement only (no changes in zoning).

The project is located in Morgan County and Putnam County. The area located in Morgan County is approximately 882 acres. They are asking to have 3 different lot sizes:

- 60' X 120' with 241 units
- 80' x 120' with 203 units
- 100' x 150' with 154 units

There would also be 152 town home units for a total of 750 homes on the Morgan County side. They are also proposing a minimum of 26,245 square feet of non-residential uses. The proposed non-residential uses include a daycare to be located outside the gate of the subdivision to be open to the public, boat storage, a public government building (Fire Station) to serve the local community, and 3 club houses. Recreational amenities include a pool area, playground, multipurpose play area, parking areas, trail system, boat ramp, community docks, picnic areas, and a boat launch for canoes. Water and sewer will be serviced by Piedmont Water. The golf course and marina plans that were originally approved in the 2007 development agreement have been removed.

The Planning Commission recommend approval of the application to modify the approval of the 2007 Kingston Development Agreement and conceptual plan with the following conditions:

1. To approve concept plan with 15,000 sq. ft lots instead of 12,000 sq ft lots. Setbacks to remain as presented.
2. Approve conditional use for Childcare Learning Center with stipulation that it be available to the public.
3. In the Development agreement under existing conditions, #6, replace "may" with "shall"
4. In the Development agreement under existing conditions, #32, add "with the exception of those amenity uses listed as required non-residential uses, which must meet the requirement of #3"
5. Add to the Development Agreement "County reserves right to implement a special tax district on the developed portions of the project within Morgan County"
6. Development Agreement to expire after 5 years and exclude an accrual rate
7. All other stipulations in the Development Agreement previously applied to the project must carry forward
8. The changes in the Development Agreement must be acceptable to the Board of Commissioners
9. Traffic Study must be completed prior to the issuance of a building permit.
10. Improvements must be made to Marshall Road to the emergency exit
11. Erosion plans for Putnam County portion of project to be submitted to Morgan County Planning & Development

Richard Schmidt, representing the the applicant, spoke before the Board. Schmidt stated the developer of this project has been in business about 30 years, and is a solid company having completed hundreds of projects. In looking at the existing development agreement, the developers found ways that they believe will make the project better under todays standards and market. So, they are requesting certain amendments to the original agreement. Schmidt reviewed the following changes requested by Kingston Ranch LLC to numbers 1, 5, 6, 10, and 11 of the conditions recommended by the Planning Commission:

1. To approve concept plan with 15,000 sq. ft lots instead of 12,000 sq ft lots. Setbacks to remain as revised and presented in the attached, revised Development Agreement.
5. Add to the Development Agreement "County reserves right to implement a special tax district on the developed portions of the project within Morgan County," provided that any such district will be implemented at a time when the increase of population and improvements reasonably requires additional county services and such district will include all areas reasonably served by such improvements
6. Development Agreement to expire after ~~5-20~~years and shall automatically renew for a period of 20 years unless the Developer is in material breach of any of its obligations under the agreement. not include an accrual rate If the issuance of the 300<sup>th</sup> CO within the Project has not occurred within 5 years of the date of execution of the amended agreement, the \$1,450,000 to be paid by the Developer shall be increased 5.0% annually until paid in full.
10. The emergency exit onto Marshall Road shall be improved and maintained in a condition sufficient to allow reasonable ingress and egress for a construction entrance and emergency vehicles. The Developer shall reasonably maintain the Morgan County section of Marshall Road in its current condition. Not later than application for an LDP for the final Phase, Developer shall submit to Morgan County an acceptable Marshall Road Improvement Plan. Improvements must be made to Marshall Road to the emergency exit in Morgan County
11. Erosion plans for Putnam County portion of project to be submitted to Morgan County Planning & Development as information.

Rick McAllister, agent for the applicant, gave an overview of the project discussing what plans will remain the same from the original 2007 agreement and outlined changes being requested. The group feels the changes will create a more environmentally sensitive plan for the development proposed with plenty of open space.

**Chairman Riden allowed proponents to speak.**

No one spoke in favor of the request.

**Chairman Riden allowed opponents to speak.**

The following spoke in opposition of the request:

Dan and Rachel Jenkins, 2680 Kingston Road

Matt Schultz, 1401 Sugar Creek Trail

Cathy and John Savolt, 2440 Cedar Grove Road

Barry Baddour, 5901 Bethany Road

Residents that spoke in opposition are concerned about the environmental impact the development may cause, increased traffic and speeding, quality of homes in the development, littering, and road deterioration.

**MOTION** by Commissioner Kurtz, Seconded by Commissioner Ainslie to table the request until the April 4, 2022 BOC meeting to allow the County Attorney to review the documents. Motion Passed Unanimously.

**JOHN BROWN HARDSHIP EXTENSION REQUEST**

John Brown came before the Board September 21<sup>st</sup>, 2021 requesting a hardship to live in a recreational vehicle (RV) on his property at 1740 Pierce Dairy Road while completing construction on his home. The Board granted the request allowing the Brown's to live on site in an RV for 6 months.

Mr. Brown is now back before to Board requesting an additional extension of 6 months. Mr. Brown indicated his progress has been delayed due to recent rain. He believes he can finish the project in 6 months.

Planning Director, Chuck Jarrell informed the Board only one inspection had been requested and completed for a slab in since the initial hardship request was granted in September 2022. Jarrell requested that if the Board decides to grant the extension that Mr. Brown be required to abide by the current regulations for special circumstances that was passed January 2022. This would require Mr. Brown to pay a \$6,000 bond to the County that would be refundable if construction is completed within 12 months.

Commissioners questioned if the \$6,000 bond would cause additional hardship for the Brown's but feel an incentive to finish the project is needed. The Board gave Mr. Brown the option to put up a 12-month \$6,000 bond or a 6-month \$3,000 bond. If construction is not complete during the timeframe selected, the bond will be forfeited. However, if construction is completed during the selected timeframe, the bond is 100% refundable.

Mr. Brown expressed that he felt he could finish construction in 6 months and opted to supply a 6-month \$3,000 bond.

**MOTION** by Commissioner von Hanstein, Seconded by Commissioner Harris to approve the hardship extension request for 6 months to include a \$3,000 bond from Mr. Brown. Motion Passed Unanimously.

**TINA GREENWAY APPEAL**

Planning Director, Chuck Jarrell presented an appeal from Tina Greenway. Jarrell stated Dr. Miguel Cossio and Tina Greenway visited him March 7, 2022 requesting to subdivide Tax Parcel 044-022A consisting of 65.12 acres at 1150 Plainview Road. There is also an entrance located on Old Buckhead Road. The property is currently owned by Dr. Cossio and his wife in two tracts. They are wanting the subdivide the property between Horse Branch and the Cossio's home, to deed approximately 25 acres facing Old Buckhead Road to Ms. Greenway. However, under the current Morgan County Zoning Ordinance, the property cannot be split due to lack of road frontage. The minimum road frontage requirement to subdivide property is 300 feet. The road frontage for the subject parcel on Old Buckhead Road is approximately 241.31 feet. The frontage for the subject parcel on Plainview Road is approximately 261.15 feet. Therefore, Jarrell denied their request to subdivide the property and Ms. Greenway and Dr. Cossio are appealing to the Board to allow the split.

Dr. Cossio and Tina Greenway both spoke before the Board. They ensured the Board that the land being subdivided would continue to be used for the purpose of keeping livestock and hunting. There are no intentions to build on the property.

The Board discussed what options may be available since it would not be possible to subdivide the land due to lack of road frontage. One option would be to purchase land from an adjacent

property owner to satisfy the zoning ordinance. The second option would be to enter into a permanent perpetual conservation easement. This would allow the split and the conservation easement restrictions would stay in place, even if the land is sold later on.

Ms. Greenway and Dr. Cossio agreed to work with Mr. Jarrell on the perpetual conservation easement to see if it would best fit their needs.

**MOTION** by Commissioner Ainslie, Seconded by Commissioner Kurtz to table the appeal. Motion Passed Unanimously.

**AGREEMENT FOR EXPEDITING HIGH-SPEED BROADBAND SERVICE**

The proposed agreement with Central Georgia EMC is to expedite and complete the build out of broadband service within their Morgan County service area by January 2023. The cost to complete the build out is \$500,000.

**MOTION** by Commissioner Ainslie, Seconded by Commissioner Harris to approve the agreement with Central Georgia EMC for expediting expansion of high-speed broadband service to Morgan County. Motion Passed Unanimously.

**TAX ASSESSOR BOARD APPLICATION**

Lee Nunn submitted an application to be considered for the unexpired vacant term on the Tax Assessors Board. No other applications were received.

**MOTION** by Commissioner Ainslie, Seconded by Commissioner Kurtz to appoint Lee Nun to the Tax Assessors Board with term ending December 31, 2023. Motion Passed Unanimously.

**RESTATED 401(A) ADOPTION AGREEMENT & RESOLUTION**

This agreement and resolution are being presented to restate the current 401(a) county retirement plan as required by the IRS. There are no changes to the plan or benefits.

**MOTION** by Commissioner Kurtz, Seconded by Commissioner Harris to approve the restated 401(a) agreement and resolution 2022-RES-003 as presented. Motion Passed Unanimously.

**COMMISSIONER LIAISON REPORTS**

Commissioners gave updates on Liaison assignments.

**PUBLIC COMMENTS ON AGENDA ITEMS**

Nicole Wasendorf, Morgan County Resident  
Gary Savage, Morgan County Resident

**MOTION** by Commissioner Ainslie, seconded by Commissioner Kurtz to exit regular session at 7:02 p.m. Motion Passed Unanimously.

**EXECUTIVE SESSION- PERSONNEL AND LITIGATION**

**MOTION** by Commissioner Ainslie, seconded by Commissioner Kurtz to enter Executive Session to discuss personnel and litigation at 7:07 p.m. Motion Passed Unanimously. (Original signed Affidavit in Executive Session Legal Requirement Book).

**MOTION** by Commissioner Ainslie, seconded by Commissioner Kurtz to exit Executive Session and adjourn at 7:22 p.m. Motion Passed Unanimously.

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Ben Riden, Jr., Chairman

ATTEST:

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Leslie Brandt, County Clerk