

Minutes of Public Hearing

Elbert County Board of Commissioners

February 10, 2025

- 1) Discussion and consideration of a request by Eric Armour to rezone from I (Industrial) to A(Agricultural). Property located at 2099 Brewers Mill Rd., Elberton, Ga. Map and parcel 029 023. This is to allow for a home to be built on the property. Planning and Zoning recommended approval by a 5-0 vote. There were no public comments.
- 2) Discussion and consideration of a request by Galen Mills to rezone 2.33-acres from A(Agricultural) to R1(Single Family Residential). Property located at 2163 James Bailey Rd., Elberton, Ga. Map and parcel 055 060. This is to allow for a portion to be split out and a home to be built on the property. Planning and Zoning recommended approval by a 5-0 vote. There were no public comments.
- 3) Discussion and consideration of a request by David Shaw to rezone 2.25-acres from A(Agricultural) to R1(Single Family Residential). Property located at 1598 Fork Creek Rd., Bowman, Ga. Map and parcel 013 127B. This is to allow for a tract to be split out and a home be placed on it. Planning and Zoning recommended approval by a 5-0 vote. There were no public comments.
- 4) Discussion and consideration of a request by Michael Adams to rezone 4.94-acres from A(Agricultural) to R1(Single Family Residential). Property located on Plantation Road, Elberton, Ga. Map and parcel 038 026C. This is to allow for the parcel to be split and homes to be built on the property. Planning and Zoning recommended approval by a 5-0 vote. There were no public comments.
- 5) Discussion and consideration of a request by Wayne and Teresa Moore to rezone 2-acres from A(Agricultural) to R1(Single Family Residential). Property located on Green Acres Rd., Elberton, Ga. Map and parcel 048 047. This is to allow for this portion to be joined with an adjoining parcel. Planning and Zoning recommended approval by a 5-0 vote. There were no public comments.
- 6) Discussion and consideration of a request by Paul Prince to rezone from A(Agricultural) to RR (Rural Residential). Property located on Hulmes Chapel Rd., Elberton, Ga. Map and parcel 063 032. This is to allow for the parcel to be split. Planning and Zoning recommended approval by a 5-0 vote. There were no public comments.
- 7) Discussion and consideration of a request by Caleb Musser to rezone from RR (Rural Residential) to R1(Single Family Residential). Property located on Country Club Ln., Elberton, Ga. Map and parcel 042E 024. This is to allow for the parcel to be split and homes to be built on the new parcels. This is also for a preliminary plat review. Planning and Zoning recommended denial by a 5-0 vote. Mr. Musser stated he had changed the plat from the original plan, decreasing the number of houses from 18 to 12. He added an undisturbed buffer and approximately 2 acres of land on each end with a good bit of road frontage and addressed the water run-off. Chairman Vaughn stated he is concerned because water run-off is already in issue in that area. Residents that live in the area; Ms. Anne Bessinger, James Walters, Ron Hall, Jennifer Coble, Bridgette Walsh, Joe Campbell, Jr., Mrs. Margaret Campbell, Jan Walters, Tonya Wallace all spoke out against the project, voicing concerns of changing the character of the neighborhood, water run-off, more traffic and more crime. They are not against growth; but this project does not fit the neighborhood. One citizen, Kyle Bagwell, was in favor of the project, stating Elberton needs more housing and it would prompt more revenue for the county. Mr. Musser stated he had gone above what he had ever done in any other county. He said these will not be cookie-cutter type houses and will range in price from \$350,000 to \$400,000.
- 8) Discussion and consideration of a Resolution to Ratify a Moratorium on the acceptance of any applications related to the construction of new commercial poultry houses to allow study on the effects that the location of new commercial poultry farms in Elbert County may have on the future spread of avian influenza and how changes to the county's zoning ordinance and code of ordinances may mitigate the future spread of and/or mitigate the impact that future cases of avian influenza may have on other poultry producers, other agricultural producers and on the public in general, which was adopted on January 24, 2025. Ms. Mandy Williams, Farm Bureau President and farmer stated poultry farmers do not need their local government telling them how to operate their farms; they have support teams that collect and monitor data for daily operations. She said they take measures each and every day to protect their farms. She read from the O.C.G.A , 2-1, which basically prevents local

governments from creating rules that could interfere with agricultural practices on private land. Austin Williams and Michael Hewell both spoke against the Moratorium.

- 9) Discussion and consideration of a request by Tony and Amy Nguyen for a Conditional Use permit to allow for six (6) broiler houses to be built on the property at 1712 Brewers Mill Rd., Elberton, GA. Map and parcel 030 014. (This item was tabled at the Dec. 9th and Jan. 13th meeting). Mr. Daniel Moore, spoke on behalf of the Nguyens. He stated this application is pre-the Moratorium and does not apply. Mr. Daughtry brought up the fact that this particular location is problematic because it does fall within the protected watershed area. Mr. Moore stated that two (2) code sections in our ordinance, 8-4 and 18-116, have exemptions or exceptions for the sole purpose of agriculture. Max Black voiced his concerns of this being in a watershed area and provided his history of going on public record concerning the permitting of poultry houses in the Beaverdam Watershed District.

Minutes

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- 1) Chairman Lee Vaughn called the meeting to order. Present were Commissioner David Hunt, Commissioner Casey Freeman, Commissioner Chris Alexander, Commissioner Mike Scoggins, Commissioner Freddie Jones, County Administrator Allen Hulme, County Attorney Bill Daughtry, County Clerk Tamara Butler and media. CFO, Macie Witcher was absent.
- 2) After the pledge to the United States flag, the invocation was given by Mr. Daughtry.
- 3) Adoption of the Agenda. Commissioner Freeman made a motion to adopt the agenda. Commissioner Hunt seconded the motion. The motion passed 5-0.
- 4) Adoption of the Minutes of January 13, 2025 and January 24, 2025. Commissioner Alexander made a motion to adopt the minutes. Commissioner Scoggins seconded the motion. The motion passed 5-0.
- 5) Public Comments. There were no public comments.
- 6) Discussion and consideration of a request by Eric Armour to rezone from I (Industrial) to A(Agricultural). Property located at 2099 Brewers Mill Rd., Elberton, Ga. Map and parcel 029 023. This is to allow for a home to be built on the property. Planning and Zoning recommended approval by a 5-0 vote. Commissioner Alexander made a motion to approve this rezone request. Commissioner Hunt seconded the motion. The motion passed 5-0.
- 7) Discussion and consideration of a request by Galen Mills to rezone 2.33-acres from A(Agricultural) to R1(Single Family Residential). Property located at 2163 James Bailey Rd., Elberton, Ga. Map and parcel 055 060. This is to allow for a portion to be split out and a home to be built on the property. Planning and Zoning recommended approval by a 5-0 vote. Commissioner Freeman made a motion to approve this rezone request. Commissioner Hunt seconded the motion. The motion passed 5-0.
- 8) Discussion and consideration of a request by David Shaw to rezone 2.25-acres from A(Agricultural) to R1(Single Family Residential). Property located at 1598 Fork Creek Rd., Bowman, Ga. Map and parcel 013 127B. This is to allow for a tract to be split out and a home be placed on it. Planning and Zoning recommended approval by a 5-0 vote. Commissioner Hunt made a motion to approve this rezone request. Commissioner Scoggins seconded the motion. The motion passed 5-0.
- 9) Discussion and consideration of a request by Michael Adams to rezone 4.94-acres from A(Agricultural) to R1(Single Family Residential). Property located on Plantation Road, Elberton, Ga. Map and parcel 038 026C. This is to allow for the parcel to be split and homes to be built on the property. Planning and Zoning recommended approval by a 5-0 vote. Commissioner Alexander made a motion to approve this rezone request. Commissioner Hunt seconded the motion. The motion passed 5-0.
- 10) Discussion and consideration of a request by Wayne and Teresa Moore to rezone 2-acres from A(Agricultural) to R1(Single Family Residential). Property located on Green Acres Rd., Elberton, Ga. Map and parcel 048 047. This is to allow for this portion to be joined with an adjoining parcel. Planning and Zoning recommended approval by a 5-0 vote. Commissioner Alexander made a motion to approve this rezone request. Commissioner Hunt seconded the motion. The motion passed 5-0.
- 11) Discussion and consideration of a request by Paul Prince to rezone from A(Agricultural) to RR (Rural Residential). Property located on Hulmes Chapel Rd., Elberton, Ga. Map and parcel 063 032. This is to allow for the parcel to be split. Planning and Zoning recommended approval by a 5-0 vote.

Commissioner Alexander made a motion to approve this rezone request. Commissioner Freeman seconded the motion. The motion passed 5-0.

- 12) Discussion and consideration of a request by Caleb Musser to rezone from RR (Rural Residential) to R1(Single Family Residential). Property located on Country Club Ln., Elberton, Ga. Map and parcel 042E 024. This is to allow for the parcel to be split and homes to be built on the new parcels. This is also for a preliminary plat review. Planning and Zoning recommended denial by a 5-0 vote. Commissioner Freeman made a motion to approve Planning and Zoning's recommendation to deny this rezone request. Commissioner Hunt seconded the motion. The motion passed 3-2, with Commissioner Alexander and Commissioner Jones opposing.
- 13) Discussion and consideration of a Resolution to Ratify a Moratorium on the acceptance of any applications related to the construction of new commercial poultry houses to allow study on the effects that the location of new commercial poultry farms in Elbert County may have on the future spread of avian influenza and how changes to the county's zoning ordinance and code of ordinances may mitigate the future spread of and/or mitigate the impact that future cases of avian influenza may have on other poultry producers, other agricultural producers and on the public in general, which was adopted on January 24, 2025. Commissioner Jones made a motion to Ratify the Moratorium. Commissioner Scoggins seconded the motion. The motion passed 3-2, with Commissioner Hunt and Commissioner Alexander opposing. Chairman Vaughn exercised his veto power and overturned the decision to Ratify the Moratorium.
- 14) Discussion and consideration of a request by Tony and Amy Nguyen for a Conditional Use permit to allow for six (6) broiler houses to be built on the property at 1712 Brewers Mill Rd., Elberton, GA. Map and parcel 030 014. (This item was tabled at the Dec. 9th and Jan. 13th meeting). Commissioner Alexander made a motion to approve this Conditional Use permit. There was no second to the motion. Commissioner Jones made a motion to deny; seconded by Commissioner Scoggins. The motion to deny passed by a 4-1 vote; with Commissioner Alexander opposing.
- 15) Discussion and consideration to Amend Article II of Chapter 46 of the Code of Ordinances of Elbert County, Georgia titled "Gun Clubs and Firearms" and Chapter 9.11 of the Elbert County Zoning Ordinance to require Conditional Use permits for Gun Clubs. Second Reading. Mr. Daughtry stated this will make gun clubs a Conditional Use, require public hearings before Planning and Zoning and the Board of Commissioners; will require applicants to provide a copy of a final report of an NRA range technical team evaluation which shall include the expected decibel level that the proposed operation will create and the standard noise reduction possible. Commissioner Scoggins made a motion to approve the amendment. Commissioner Freeman seconded the motion. The motion passed 5-0.
- 16) Pam Algood with Keep Elbert County Beautiful to give updates and discuss litter cameras. Ms. Algood said enforcing litter laws is an important tool to reduce littering. She stated they were not getting the citations that they were hoping they would get. She is asking for support from law enforcement, both city and county to enforce our litter laws. Chairman Vaughn stated he wanted a zero-tolerance policy for littering. Mr. Daughtry said that he would discuss the issue with the new Solicitor to make these cases a priority.
- 17) Discussion and consideration of a request by Jason Collins to close Oak Grove Road. Mr. Collins owns the property on both sides of the road. He said he spends hours picking up trash on the road and request that the road be closed to thru traffic. Mr. Vaughn stated our ordinance does allow for the road to be closed; but we refer to our Sheriff and EMS to make sure they don't need the road open. Mr. Daughtry stated road closures do require a published notice and a public hearing which he will work on for next month's meeting.
- 18) Discussion and consideration of the appointment of Jennifer Rainer to the Elbert County Department of Family and Children Services Board. Commissioner Hunt made a motion to approve the appointment. Commissioner Scoggins seconded the motion. The motion passed 5-0.
- 19) Discussion and consideration to appoint Commissioner Freddie Jones as Vice- Chairman of the Board for CY 2025. Commissioner Freeman made a motion to approve the appointment. Commissioner Alexander seconded the motion. The motion passed 5-0.
- 20) Discussion and consideration of the purchase of a road widener for the Road Department. Mr. Hulme stated two (2) bids were received. After going over the bids with the Road Superintendent, it is his recommendation to accept the bid from Reynolds-Warren Equipment Company for \$66,000. The funds

will come from T-SPLOST funds. Commissioner Freeman made the motion to approve the purchase. Commissioner Hunt seconded the motion. The motion passed 5-0.

- 21) Discussion and consideration to approve a bid for LMIG paving project. Mr. Hulme stated five (5) bids were received for the paving project. It is his recommendation to accept the low bid from Stratton and Sons for \$2,280,920. He went on to say that \$282,316 is left to invest to reach our required match. It is his recommendation that Five Forks Road be finished and that would complete that road from one end to the other, for an additional approximately \$300,000 to meet our match. Commissioner Freeman made a motion to approve Mr. Hulme's recommendations. Commissioner Alexander seconded the motion. The motion passed 5-0.
- 22) Finance Report. Ms. Witcher was not present to provide the finance report.
- 23) Adjournment. Commissioner Alexander made a motion to adjourn, seconded by Commissioner Hunt. The motion passed unanimously.