

Minutes of Public Hearing

Elbert County Board of Commissioners

Monday, January 13, 2025

- 1) Discussion and consideration of a request by Kenneth Ashworth to rezone two (2) tracts from A (Agricultural) to R1 (Single Family Residential). Property located at 1776 Lloyd Rousey Road, Bowman, GA. Map and parcel 007 057D. Planning and Zoning recommended approval by a 5-0 vote. Mr. Ashworth stated he is downsizing and trying to get it cut out to where he can do something with the other property later.
- 2) Discussion and consideration of a request by Ginger Cooper to rezone 3.40-acres from A (Agricultural) to R1 (Single Family Residential). Property located at 2254 Colonel Dixon Rd., Elberton, Ga. This request is to allow for a portion to be split out and a home be placed on the property. Map and parcel 066 039B. Planning and Zoning recommended approval by a 5-0 vote. Ms. Cooper stated she wanted to give some land to her daughter.
- 3) Discussion and consideration of a request by Joyce McClain to rezone approximately 3-acres from A (Agricultural) to R1 (Single Family Residential). Property located at 1911 Bullards Ferry Rd., Elberton, GA. This request is to allow for a tract to be split out and a home to be placed on it. Map and parcel 043 034. Planning and Zoning recommended approval by a 5-0 vote. Ms. McClain stated she is gifting 3-acres to her granddaughter for them to build a home.
- 4) Discussion and consideration of a request by Ministerios Mas Que Vencedores, Inc. to rezone approximately 46-acres from A (Agricultural) to GB (General Business). Property located on Kathwood Drive Ext., Elberton, GA. Map and parcel 041 001. This request is to allow for a church retreat center to be built. Motion to approve with the following conditions:
 - 1) No Permanent residences or church will be built.
 - 2) This is zoned GB for the use of a church retreat only.
 - 3) Existing hunting hours are okay.
 - 4) If the density from concept plan changes, the plans should come back before Planning and Zoning and BOC for further approval.
 - 5) Driveway must come off of Whiteside Drive.Planning and Zoning recommended approval with these conditions by a 3-2 vote. Attorney, Stanton Porter spoke on behalf of the property owner stating they wanted to create a natural serene area for church members to come to as a retreat center. Some small cabins will be added, but they want to disturb the area as little as possible. All conditions will be adhered to.
- 5) Discussion and consideration to Amend Elbert County Zoning Ordinance 6.04.01 Permitted and Conditional Use. To amend Gun Club as a Conditional Use on Agricultural property under the Zoning Ordinance. Planning and Zoning recommended approval by a 4-1 vote. First Reading. Mr. Daughtry stated currently it is a permitted use on Ag land and Conditional on RR (Rural Residential) and what is being proposed is to make it a Conditional Use on Ag and RR and also the standards have been on the books for 60 plus years and may need updating. Mr. Kenneth Waycaster said he would like to see it changed to have a public hearing on items like this. Mr. Daughtry stated going forward for anyone wanting to open a gun club, there would be a public hearing before Planning and Zoning and another before the Commissioners. But the current gun clubs are grandfathered in.
- 6) 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 December 9th meeting). Attorney Daniel Moore, spoke on behalf of the Nguyens, stating they're still waiting on where the EPD stands. He said he wanted to be sure that everything that is required to be complied with since the moratorium is in front of commissioners so they can make an informed decision. He is asking this be tabled again, possibly until the February meeting and will hopefully get through to the EPD and have all information to provide to commissioners. Mr. Max Black stated this item should not be permitted according to our own Code of Ordinances regarding proximity to a watershed. Ms. Donna Woods, Ms. Angela Jones and Mr. John Clark all had concerns of contaminated water run-off, air quality and the recent case of Avian flu reported near us.

Minutes

Elbert County Board of Commissioners

January 13, 2025

Call to Order

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, CFO Macie Witcher, County Attorney Bill Daughtry, County Clerk Tamara Butler and media.

Pledge and Invocation

After the pledge to the United States flag, the invocation was given by Commissioner Jones.

Adoption of the Agenda

Chairman Vaughn asked for a motion to amend the agenda to add 17) Request to surplus a boat and trailer, and Executive Session. Commissioner Freeman made a motion to adopt the agenda as amended. Commissioner Alexander seconded the motion. The motion passed 5-0.

Adoption of the Minutes of December 9, 2024

Commissioner Hunt made a motion to adopt the minutes of December 9, 2024. Commissioner Scoggins seconded the motion. The motion passed 5-0.

Public Comments

There were no public comments.

Kenneth Ashworth Rezoning Request

Discussion and consideration of a request by Kenneth Ashworth to rezone two (2) tracts from A (Agricultural) to R1 (Single Family Residential). Property located at 1776 Lloyd Rousey Road, Bowman, GA. Map and parcel 007 057D. Planning and Zoning recommended approval by a 5-0 vote. Commissioner Freeman made a motion to approve this rezone request. Commissioner Jones seconded the motion. The motion passed 5-0.

Ginger Cooper Rezoning Request

Discussion and consideration of a request by Ginger Cooper to rezone 3.40-acres from A (Agricultural) to R1 (Single Family Residential). Property located at 2254 Colonel Dixon Rd., Elberton, Ga. This request is to allow for a portion to be split out and a home be placed on the property. Map and parcel 066 039B. Planning and Zoning recommended approval by a 5-0 vote. Commissioner Freeman made a motion to approve this rezone request. Commissioner Scoggins seconded the motion. The motion passed 5-0.

Joyce McClain Rezoning Request

Discussion and consideration of a request by Joyce McClain to rezone approximately 3-acres from A (Agricultural) to R1 (Single Family Residential). Property located at 1911 Bullards Ferry Rd., Elberton, GA. This request is to allow for a tract to be split out and a home to be placed on it. Map and parcel 043 034. Planning and Zoning recommended approval by a 5-0 vote. Commissioner Hunt made a motion to approve this rezone request. Commissioner Freeman seconded the motion. The motion passed 5-0.

Ministerios Mas Que Vencedores, Inc. Rezoning Request

Discussion and consideration of a request by Ministerios Mas Que Vencedores, Inc. to rezone approximately 46-acres from A (Agricultural) to GB (General Business). Property located on Kathwood Drive Ext., Elberton, GA. Map and parcel 041 001. This request is to allow for a church retreat center to be built. Motion to approve with the following conditions:

- 1) No Permanent residences or church will be built.
- 2) This is zoned GB for the use of a church retreat only.
- 3) Existing hunting hours are okay.
- 4) If the density from concept plan changes, the plans should come back before Planning and Zoning and BOC for further approval.
- 5) Driveway must come off of Whiteside Drive.

Planning and Zoning recommended approval with these conditions by a 3-2 vote. Commissioner Alexander made a motion to approve with the requested conditions. Commissioner Freeman seconded the motion. The motion passed 5-0.

Gun Club Conditional Use Ordinance - First Reading

Discussion and consideration to Amend Elbert County Zoning Ordinance 6.04.01 Permitted and Conditional Use. To amend Gun Club as a Conditional Use on Agricultural property under the Zoning Ordinance. Planning and Zoning recommended approval by a 4-1 vote. First Reading. Mr. Daughtry stated we may need to look at a minimum acreage requirement, having a responsible person on the range at all times and hours of operation. He asked commissioners to think of any other conditions to incorporate in addition to making it a conditional use.

Tony and Amy Nguyen Conditional Use Permit

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 December 9th meeting). Chairman Vaughn stated Attorney Daniel Moore asked us to table this item until the February meeting. Commissioner Alexander made a motion to table this item. Commissioner Freeman seconded the motion. The motion passed 3-2, with Commissioner Scoggins and Commissioner Jones opposing to table the item.

Federal Fiscal Year 2025 VOCA Continuation Grant

Discussion and consideration of the Federal Fiscal Year 2025 VOCA Continuation Grant for the Northern Judicial Circuit Victims Assistance program. Grant #C23-8-249 for the period of October 1, 2024 through September 30, 2025. The award amount is \$164,658.00 and the match is waived. Commissioner Alexander made a motion to approve the FY 2025 VOCA Grant. Commissioner Hunt seconded the motion. The motion passed 5-0.

Northeast Georgia Regional Solid Waste Management Authority Appointments

Discussion and consideration of the appointments of Kris Williams, Public Works Superintendent and Pam Allgood, Keep Elbert County Beautiful Executive Director to the Northeast Georgia Regional Solid Waste Management Authority Board of Directors. This will be for a 4-year term. Commissioner Freeman made a motion to approve the appointments. Commissioner Alexander seconded the motion. The motion passed 5-0.

Road Widener Bids

Discussion and consideration to seek bids for a road widener for the Road Department. Mr. Hulme stated we are currently having to rent a road widener which can be expensive. He recommends seeking bids to purchase one which would probably pay for itself in 3-4 years. Commissioner Hunt made a motion to seek bids. Commissioner Alexander seconded the motion. The motion passed 5-0.

McWilliams Park Tennis and Pickleball Court Bids

Discussion and consideration to seek bids to resurface and restripe the tennis courts at McWilliams Park and convert approximately 4 tennis courts into approximately 8 pickleball courts. Mr. Hulme stated when we talked about recommitting funds to McWilliams Park; a motion was made to address the septic issues first; we did find an issue with the septic system, but wasn't as bad as we originally thought. Our maintenance crew actually fixed the problem. He also stated that pickleball is becoming more popular for young and old and there is a big demand, but our tennis courts are starting to get cracks. He's asking for permission to seek bids to resurface and seal cracks and to convert 4 tennis courts in 8 pickleball courts. Commissioner Alexander made a motion to proceed with seeking bids. Commissioner Freeman seconded the motion. The motion passed 5-0.

Sheriff's Office Vehicle Purchase

Discussion and consideration of purchasing a vehicle for the Sheriff's office. Funds will come from SPLOST. Sheriff Jamie Callaway requested to purchase a vehicle for the Sheriff's office. They have looked at several options and found that the Ford Expedition was comparable to the Chevrolet Tahoe and would save around \$3,500. It is a 2024 Ford Expedition for \$61,490 from dealer Brannen Motor Company. Commissioner Alexander made a motion to approve the purchase of the vehicle for the Sheriff's Office. Commissioner Freeman seconded the motion. The motion passed 5-0.

Surplus Boat, Motor and Trailer

Discussion and consideration to surplus a Cobia Runabout, Serial# CBA0122E888 with a 175 Johnson Faststrike outboard motor and trailer, serial# T1036262. Funds to be used by the Elbert County Water Response Team for the purchase of another watercraft. Commissioner Hunt made a motion to surplus the boat, motor and trailer. Commissioner Scoggins seconded the motion. The motion passed 5-0.

Beer and Wine Application - "Ain't it Guud"

Discussion and consideration of a Beer and Wine application for "Ain't it Guud" restaurant. Taxes have been paid and background check complete. Commissioner Freeman made a motion to approve the application for "Ain't it Guud" restaurant. Commissioner Hunt seconded the motion. The motion passed 5-0.

Elbert County Code Ordinance - Second Reading

Discussion and consideration of an Ordinance adopting and enacting Elbert County Code published by Civic Plus, LLC, Municode. Second Reading. Mr. Daughtry stated this is an Ordinance adopting and enacting a new code for the county and will be a big benefit to citizens as the Code of Ordinances will be available online. Commissioner Freeman made a motion to approve; Commissioner Hunt seconded the motion. The motion passed 5-0.

Sunday Sales of Alcohol Ordinance - Second Reading

Discussion and consideration of an Ordinance to allow Sunday Sales of Alcohol. Second Reading. Mr. Daughtry stated this is to amend Chapter 6 of the Code of Ordinances to allow the sale of malt beverages and wine, for both on-premises consumption and package sales for off-premises consumption during certain hours on Sundays. This is identical to what the voters approved at the election held on November 5, 2024. Commissioner Hunt made a motion to approve the Ordinance allowing Sunday Sales of Alcohol. Commissioner Freeman seconded the motion. The motion passed 4-1, with Commissioner Jones opposing.

Juvenile Court Prosecution Services Agreement

Discussion and consideration of a Services Agreement with Kevin McFarlin to provide certain services generally described as Juvenile Court prosecution. Mr. Daughtry stated that each of the five (5) counties in the circuit will pay \$10,000 each month for CY2025. Commissioner Freeman made a motion to approve the Service Agreement with Kevin McFarlin. Commissioner Scoggins seconded the motion. The motion passed 5-0.

Finance Report

Ms. Witcher stated we are still operating under budget thru December. General Fund expenditures are \$254,000 less than this time last year. General Fund revenues are down compared to December 2023; but we should be receiving roughly \$2 million from the Tax Commissioners office this week. We have collected so far 86.61% of personal property taxes and 80.97% of real property taxes. SPLOST as a cash balance of \$1.8 million and TSPLOST has a cash balance \$1.2 million; Hotel/Motel Tax has a cash balance \$18,556 for local use thru December. We did borrow a total of \$1,296,585 on the line of credit and that has been paid back with a total of \$1,210 in interest.

Executive Session

Commissioner Freeman made a motion to enter Executive Session for litigation. Commissioner Hunt seconded the motion. The motion passed 5-0. Upon returning, Commissioner Freeman made a motion to enter General Session; seconded by Commissioner Scoggins. The motion passed 5-0. Chairman Vaughn stated no action was taken.

Adjournment

Commissioner Alexander made a motion to adjourn; seconded by Commissioner Freeman. The motion passed unanimously.