

Minutes of Public Hearing
Elbert County Board of Commissioners
February 12, 2024

- 1) Discussion and consideration of a request by Jonathan Jarvis to rezone from R1 (Single Family Residential) to A(Agricultural). In addition, 5.50-acres of parcel 006 080 rezone from (A)Agricultural to RR (Rural Residential) and 1.70-acres rezone from A(Agricultural) to R1(Single Family Residential). Map and parcel 006 080A. Planning and Zoning recommended **approval** by a 5-0 vote. There were no public comments.
- 2) Discussion and consideration of a request by Jonathan Evans to rezone from Mixed Use to I (Industrial). Property located at 1203 Jones Ferry Rd., Elberton. Map and parcel 023 068. Planning and Zoning recommended **approval** by a 5-0 vote. There were no public comments.
- 3) Discussion and consideration of a request by Wes Adams to rezone 3.58-acres from A (Agricultural) to R-1 (Single Family Residential). Property located on Cleveland Drive, Elberton. Map and parcel 061 019. Planning and Zoning recommended **approval** by a 5-0 vote. There were no public comments.
- 4) Discussion and consideration of a request by Huong Nguyen for a Variance request to encroach setback requirements of the county right-of-way. Located at 2123 Corinth Church Rd., Bowman. Planning and Zoning recommended **denial** by a 3-2 vote. Mr. Ben Echols spoke along with Ms. Nguyen. Mr. Echols was the surveyor for the property. He stated that 6 of the 8 poultry houses were built before the issue came up regarding the setbacks. Mr. Hulme stated there was some confusion over the setbacks because there were some variances in place. He thought he was meeting setback requirements because of the variance across the road which they are in fact encroaching the 200 ft. setback on the right-of-way. Ms. Nguyen thought that she was in compliance. Mr. Daughtry stated the fine would be up to \$1,000 per house that is in violation. Commissioner Alexander asked Mr. Echols if he was prepared to pay the fine; Mr. Daughtry stated the fine would be issued to the property owner; the rezone would be granted contingent upon the payment of any fine. Commissioner Freeman stated he was sympathetic to their plight and felt assured that Mr. Hulme has put measures in place for this not to happen again.
- 5) Discussion and consideration of a request by Hester Hill Solar, LLC for a Conditional Use request to allow for a solar facility. This request also includes parcels: 074 040, 074 011, 075 012, 075 016, 080 025, 080 027B, 080 027C, 080 027D, 081 001, 081 002, 081 023, 081 025, 081 028, and 081 029. Located on Lincolnton Hwy., Elberton. Planning and Zoning recommended **denial** by a 4-1 vote. Monica Schmelzenbach, Lead Project Manager, gave a slide- show presentation, showing the benefits of the solar farm and their efforts to reduce a negative impact on the community. Jonathan Wells, an attorney representing NextEra, took the nine-point list from the county's zoning ordinance that the board refers to when considering a conditional use permit request, and spoke as to how the project met each requirement. They reiterated they would exceed all buffer restrictions and setbacks and would be good neighbors to those in the community. Ms. Schmelzenbach stated the project would bring in \$20 to \$27 million in tax revenues over the life of the project and they were not asking for tax abatements from the county. There were many citizens and residents of that area that spoke that are opposed to the project stating concerns about the environmental impact, roads that will be affected by the large trucks, home values and quality of life. Some of the residents in the area that are leasing

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land to the company and are in favor of the project said they should be able to do what they want to with their own land. One landowner stated they had been approached by NextEra and other companies to acquire their land, and after careful investigation found that NextEra was the best, being the most experienced and financially sound of other solar companies. Another landowner said NextEra stood out above the other companies in regard to consideration of the environment.

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Adoption of the Agenda. Chairman Vaughn asked for a motion to amend the agenda to add 15a) Discussion and consideration of plans for the 4-H facility. Commissioner Freeman made a motion to adopt the agenda as amended. Commissioner Jones seconded the motion. The motion passed 5-0.

Adoption of the Minutes of January 8, 2024 and the Called Meeting on January 17, 2024. Commissioner Alexander made a motion to adopt the minutes. Commissioner Hunt seconded the motion. The motion passed 5-0.

Discussion and consideration of a request by Jonathan Jarvis to rezone from R1 (Single Family Residential) to A(Agricultural). In addition, 5.50-acres of parcel 006 080 rezone from (A)Agricultural to RR (Rural Residential) and 1.70-acres rezone from A(Agricultural) to R1(Single Family Residential). Map and parcel 006 080A. 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.

Discussion and consideration of a request by Jonathan Evans to rezone from Mixed Use to I (Industrial). Property located at 1203 Jones Ferry Rd., Elberton. Map and parcel 023 068. Planning and Zoning recommended *approval* by a 5-0 vote. Commissioner Alexander made a motion to approve this rezone request. Commissioner Scoggins seconded the motion. The motion passed 5-0.

Discussion and consideration of a request by Wes Adams to rezone 3.58-acres from A (Agricultural) to R-1 (Single Family Residential). Property located on Cleveland Drive, Elberton. Map and parcel 061 019. 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.

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Discussion and consideration of a request by Huong Nguyen for a Variance request to encroach setback requirements of the county right-of-way. Located at 2123 Corinth Church Rd., Bowman. Planning and Zoning recommended *denial* by a 3-2 vote. Commissioner Alexander made a motion to approve this request with the stipulation to levy fines against the poultry houses that are in violation; and Commissioner Scoggins also stated there is a question to the number of houses that are in violation. Chairman Vaughn recommended the motion should be to levy a fine of \$1000 per house with the County Administrator and other outside help to determine the number of houses in violation. Commissioner Alexander made the motion; Commissioner Scoggins seconded the motion. The motion passed 4-0; Commissioner Jones abstained.

Discussion and consideration of a request by Hester Hill Solar, LLC for a Conditional Use request to allow for a solar facility. This request also includes parcels: 074 040, 074 011, 075 012, 075 016, 080 025, 080 027B, 080 027C, 080 027D, 081 001, 081 002, 081 023, 081 025, 081 028, and 081 029. Located on Lincolnton Hwy., Elberton. Planning and Zoning recommended *denial* by a 4-1 vote. Commissioner Alexander made a motion to deny the request for the reasons that Planning and Zoning recommended denial, citing Code Section 11-02, "lack of adequate provision made by the applicant to reduce the adverse environmental affects to acceptable levels and granting the request would not be a logical extension of the use which would include the damaging value of agricultural or commercial use into a stable neighborhood of well-maintained single-family homes and would likely lead to a decrease in surrounding property values, neighborhood deterioration and additional request of a similar nature which would expand the problem". Commissioner Hunt also commented that the number of roads that would be impacted by the project is significantly more than other similar projects approved by the Board. Commissioner Scoggins seconded the motion to deny the request. The motion passed 4-0. Commissioner Freeman abstained.

Discussion and consideration of the Statewide Mutual Aid and Assistance Agreement. This agreement will be valid until March 1, 2028. Mr. Daughtry stated this is a state-wide agreement through GEMA that says if we are in a disaster situation that we can call upon other emergency services from other counties to assist us and we would do the same. Commissioner Freeman made a motion to approve this agreement. Commissioner Alexander seconded the motion. The motion passed 5-0.

Discussion and consideration of the reappointment of Pamela Jo Phelps to the Board of Elections. Her term will expire on June 30, 2024. Commissioner Scoggins made a motion to approve this reappointment. Commissioner Hunt seconded the motion. The motion passed 5-0.

Discussion and consideration of the 2024 contract for Kevin McFarlin, Juvenile Court Attorney. Mr. Daughtry stated we are fortunate to have received another ARPA grant this year and each of the five (5) counties in the Northern Judicial Circuit have to come up with \$1000 plus 7.65% for social security contributions. Chairman Vaughn also that that next year this grant will go away

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and we will have to fund a larger portion. Commissioner Hunt made a motion to approve this contract. Commissioner Scoggins seconded the motion. The motion passed 5-0.

Discussion and consideration of a request by Alysia Poon of Elbert Partners for Health, for the funding of a grant writer for up to \$6,000 for the Drug-Free Community Grant. This will come from the DATE fund. Commissioner Hunt made a motion to approve this request. Commissioner Freeman seconded the motion. The motion passed 5-0.

Discussion and consideration of how to sell the property that the county now owns on 129 South McIntosh Street. Mr. Hulme stated that Mr. Bobby Howell had researched several ways of auctioning the property and is trying to determine the best way that would benefit the county. Chairman Vaughn recommended the vote to be either an online or on-site auction, but not sealed bids and to grant Mr. Howell and Mr. Hulme the authority to seek the best option and to surplus the property. Commissioner Freeman made the motion as recommended by the Chairman. Commissioner Scoggins seconded the motion. The motion passed 5-0.

Everette Worley with Total Insurance to address the board to discuss a Medical Reimbursement Plan. Mr. Worley asked for the opportunity to implement a tele-health fitness plan for the county which would provide a tele-health program for employees and all family members.

Discussion and consideration of plans for the 4-H facility. Chairman Vaughn stated that last year funds to build a new 4-H facility were put on the SPLOST referendum. Recently the school system approached us to see if we would be interested in housing 4-H in the old Falling Creek Elementary building. He said that now it's time to make a decision to either use the old school building or to go ahead with plans for a new facility. Commissioner Jones made a motion to go ahead with plans for a new facility on our existing property. Commissioner Freeman seconded the motion. Commissioner Alexander commented about us entering into a contract with a "not to exceed" price. Mr. Hulme stated that yes, we would have a contract with the contractor that was approved with a maximum price. There will be additional fees for utilities, sewer tap, etc., estimated to be around \$350,000. We are still projected to be under the \$2 million budget from SPLOST he stated. Commissioner Hunt said he was under the impression that we were going ahead with a plan to use the old school building. Chairman Vaughn stated that would be his desire, if he had a vote because it is ready and we could move in immediately. After this discussion; and with a first and second motion already on the table, the motion to go ahead with the proposal for building a new facility passed by a 4-1 vote; with Commissioner Scoggins voting against the proposal.

Finance Report. Ms. Witcher stated the General Fund is still operating under budget thru January. The General Fund budget expenditures are \$111, 775 less than this time last year. General Fund revenues are up \$2.1 million compared to this time last year. 2023 SPLOST is coming in and building up a balance of \$873,000. TSPLOST has built up a balance of \$1.1 million to pave roads. Hotel/Motel fund has a balance for other projects of \$22,417.

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Public Comments. Diane Culpepper applauded the Commissioners for doing the right thing in not allowing the NextEra Solar Farm, which also drew applause from the audience.

Adjournment. Commissioner Alexander made a motion to adjourn. Commissioner Freeman seconded the motion. The motion passed unanimously.