

**Minutes of Public Hearing**  
**Elbert County Board of Commissioners**  
**June 10, 2024**

- 1) Discussion and consideration of a request by Imagine Construction to rezone 15.17 acres from Mixed Use to A (Agricultural). Property located at 1387 Hartwell Hwy., Elberton, GA. Map and parcel: 040E 003. **Planning and zoning recommended approval by a 5-0 vote.** There were no public comments
- 2) Discussion and consideration of a request by Patrick Marcellino to rezone approximate 1-acre from A (Agricultural) to R1 (Single Family Residential). Property located at 1806 Athens Hwy., Elberton, GA. Map and parcel: 023 027. **Planning and zoning recommended approval by a 5-0 vote.** There were no public comments.
- 3) Discussion and consideration of a request by John Hylton to rezone 1.64-acres from A (Agricultural) to R1 (Single Family Residential). This request is to allow for the property to be combined with adjoining property. Property located at 2336 Hobbs Noggle Rd., Dewy Rose, Ga. Map and parcel 013 068A. **Planning and zoning recommended approval by a 5-0 vote.** There were no public comments
- 4) Discussion and consideration to Amend Chapters 9.13.01 and 9.13.04 of the Elbert County Zoning Ordinance to amend the placement and setback requirements of Solar Energy Facilities and to address issues of wildlife habitat, security, maintenance and upkeep, and agricultural integrity. **Planning and zoning recommended approval by a 5-0 vote.** Mr. Bob Thomas stated he objected to “section 2”, about the two -mile buffer from any municipal boundary, and also objected to the requirement that solar farms fit within one parcel, stating there are many single owners that have multiple parcels. Quinn Floyd, from the Planning & Zoning board, stated after listening to discussions he would like to rescind his “yes” vote to a “no” vote, as it boils down to private property rights for him. Max Black stated we needed to focus our energy on residential development and jobs; Solar Farms do not provide jobs.
- 5) Discussion and consideration to amend Chapters 3.01, 6.04, and 7.14 of the Elbert County Zoning Ordinance to require Conditional Use Permits for Commercial Poultry Houses, to amend the setback requirements of commercial poultry houses and to clarify the treatment of existing commercial poultry facilities. **Planning and zoning recommended approval by a 3-2 vote.** There were many residents that spoke for and against the proposed amendments. Residents stating concerns of water run-off from poultry houses into creeks and streams, contamination of well water and clean air. Many are concerned after what happened on Limo Road, and do not want this to happen in their neighborhoods. Many local farmers spoke, stating there are stringent regulations that they have to abide by and water run-off is not an issue. One concerned citizen questioned the legality of the current proposed ordinance and whether it contradicts prior ordinances in regard to water-shed issues.
- 6) Discussion and consideration to amend Article VI of Chapter 18 of the Code of Ordinances of Elbert County, titled “Commercial Poultry Houses” to require Conditional Use Permits for Commercial Poultry Houses, to amend the setback requirements of commercial poultry houses and to clarify the treatment of existing commercial poultry facilities.

- 7) Discussion and consideration of a Resolution Requesting the Election Superintendent of Elbert County to issue the call for an election submitting the question of Sales of Distilled Spirits or Alcoholic Beverages for By the Drink on Sundays in Elbert County by Certain Retailers. There were no public comments.
- 8) Discussion and consideration of a Resolution Requesting the Election Superintendent of Elbert County to issue the call for an election submitting the question of Package Sales of Malt Beverages and Wine on Sundays in Elbert County. There were no public comments.

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Vice-Chairman Chris Alexander called the meeting to order. Present were Commissioner David Hunt, Commissioner Casey Freeman, Commissioner Mike Scoggins, Commissioner Freddie Jones, County Administrator Allen Hulme, CFO Macie Witcher, County Attorney Bill Daughtry, County Clerk Tamara Butler and media. Chairman Lee Vaughn was absent.

After the Pledge to the United States flag, the invocation was given by Mr. Daughtry.

**Adoption of the Agenda.** Commissioner Freeman made a motion to adopt the agenda. Commissioner Jones seconded the motion. The motion passed 5-0.

**Adoption of the Minutes of May 13, 2024 and the Called Meeting of May 22, 2024.** Commissioner Hunt made a motion to adopt the minutes of May 13<sup>th</sup>, and May 22<sup>nd</sup>. Commissioner Freeman seconded the motion. The motion passed 5-0.

**Discussion and consideration of a request by Imagine Construction to rezone 15.17 acres from Mixed Use to A (Agricultural). Property located at 1387 Hartwell Hwy., Elberton, GA. Map and parcel: 040E 003. 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.

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**Discussion and consideration to Amend Chapters 9.13.01 and 9.13.04 of the Elbert County Zoning Ordinance to amend the placement and setback requirements of Solar Energy Facilities and to address issues of wildlife habitat, security, maintenance and upkeep, and agricultural integrity. *Planning and zoning recommended approval by a 5-0 vote.*** This is First Reading; the vote will be taken at the regular July meeting.

**Discussion and consideration to amend Chapters 3.01, 6.04, and 7.14 of the Elbert County Zoning Ordinance to require Conditional Use Permits for Commercial Poultry Houses, to amend the setback requirements of commercial poultry houses and to clarify the treatment of existing commercial poultry facilities. *Planning and zoning recommended approval by a 3-2 vote.*** This is First Reading; the vote will be taken at the regular July meeting.

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**Discussion and consideration of a Resolution Requesting the Election Superintendent of Elbert County to issue the call for an election submitting the question of Sales of Distilled Spirits or Alcoholic Beverages for By the Drink on Sundays in Elbert County by Certain Retailers.** Mr. Daughtry stated this proposal will not go into effect until a majority vote at the November election. If voters approve sales by the drink, it can only be sold by a licensed restaurant or innkeeper that get half of their gross sales from food or lodging. If approved by the Board to have it put on the ballot, they must decide the hours of sale. Commissioner Freeman made the motion to place this item on the ballot for the November election and recommended the hours of operation starting at 12:00 noon and ending at 8:00 pm. Mr. Daughtry stated this proposal is for beer/wine only (not distilled spirits). Commissioner Scoggins seconded the motion. The motion passed 4-1, with Commissioner Jones opposing.

**Discussion and consideration of a Resolution Requesting the Election Superintendent of Elbert County to issue the call for an election submitting the question of Package Sales of Malt Beverages and Wine on Sundays in Elbert County.** Mr. Daughtry stated this proposal will not go into effect until a majority vote at the November election. This pertains to alcohol and beer sold by retailers allowing them to sell beer and wine on Sundays. Also, the Board must decide the hours of sale. State law states no sooner than 12:30 pm and no later than 11:30 pm. Commissioner Scoggins made the motion to place this item on the ballot for the November election and recommended the hours of sale starting at 12:30 pm and ending at 8:00 pm. Commissioner Freeman seconded the motion. The motion passed 4-1, with Commissioner Jones opposing.

**Discussion and consideration of the Transportation and Disposal Agreement between Elbert County and Georgia Waste Systems, LLC.** Mr. Hulme stated this is a contract for our current waste provider. This proposed agreement will bill us for an average of 22 tons per load and will extend the contract for 2 years. Commissioner Freeman made a motion to approve the agreement with Georgia Waste Systems. Commissioner Jones seconded the motion. The motion passed 5-0.

**Discussion and consideration of an Intergovernmental Agreement between Elbert County and the Elbert County Board of Education for the purpose using the land located at 1490 Bowman High for high school cross county events.** Mr. Daughtry stated the School Board will be allowed to move dirt, construct fencing, parking areas, signs, etc. to make the land suitable for a cross-country course. They will be solely responsible for securing the property to prevent theft, vandalism, and for accepting the property in its present condition. They will also be responsible for the safety and well being of people who use the property for this purpose. Either party can terminate the agreement with a 90-day notice. Commissioner Freeman made a motion to approve this IGA. Commissioner Scoggins seconded the motion. The motion passed 5-0.

**Finance Report.** Ms. Witcher stated there isn't much change since last month's report; General Fund is still operating under budget thru May. General Fund revenues are \$567,193 more than this time last year. TSPLOST and SPLOST collections were down a little. Hotel/Motel funds are still looking good.

**Public Comments.** Max Black addressed the issue of "grandfathered" property and it should be in the ordinance. Pamela Allen asked about last month's finance report.

**Adjournment.** Commissioner Freeman made a motion to adjourn, seconded by Commissioner Scoggins. The motion passed unanimously.