

January 6, 2004

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, January 6, 2004 at 6:00 p.m. in the Courthouse Annex VI Superior Courtroom, 116 South Broad Street, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Phil Green, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Lander, Associate County Attorney Bill Childers, Planning Director Mike Martin, Personnel Director Janice Holland and Financial Officer Merridy McDaniel. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Chairman Little called the meeting to order at 6:05 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

Commissioner Green made a motion to adopt the agenda as presented, with requested additions. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Green, to approve the minutes of the November 20, 2003 board meeting. All voted in favor.

Commissioner Palmer made a motion, seconded by Commissioner Atha, to approve the minutes of the December 2, 2003 board meeting. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Atha, to approve the minutes of the December 17, 2003 board meeting. All voted in favor.

The Board considered payment of fees for rental of gymnasiums from the Walton County Board of Education. Commissioner Ayers stated that the County needs to look at a policy for use of County facilities. Chairman Little stated that he would direct Recreation Director Jody Johnson and Facilities Director Joyce Chambers to develop a policy and fee schedule for use of County facilities. Commissioner Turner made a motion to approve payment of the fees. Commissioner Green seconded the motion. Commissioners Ayers, Turner, Green and Atha voted in favor of the motion. Commissioner Palmer opposed the motion. Commissioner Robinson abstained. The motion carried 4-1.

Financial Officer Merridy McDaniel presented a resolution regarding a statement policy for vehicle regulations – personal use of government vehicles. Commissioner Ayers made a motion to adopt the resolution. Commissioner Turner seconded the motion; voted and carried unanimously.

County Attorney Ken Lander presented information to the Board regarding it's inquiry on polling the citizens of Walton County on whether they desire to expend an additional six million dollars to receive county-wide coverage by the digital 911 system. Commissioner Ayers made a motion to table a decision on the matter until the Board's next work session. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to deny alteration in zoning conditions – B-2 for Harrington Homes, Inc. The effected property is located on Ga. Hwy. 138 and is further identified on WC Tax Map C 76, Parcel 48A. The purpose of the request is to reduce the

buffer requirement placed on the property as a condition of the rezone of the property. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the request. Ricky Greer, speaking on behalf of his uncle, Jimmy Greer, whose property adjoins the property in question, spoke in opposition to the request. Attorney Benton, in rebuttal, asked the Board to consider allowing the buffer condition placed on the property to fall under the new Land Development Ordinance, which would allow for request for an administrative variance by the Board of Appeals. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to deny the request. Commissioner Turner seconded the motion; voted and carried unanimously.

Personnel Director Janice Holland and Election Superintendent Jerry Connell presented a request to re-allocate the pay grade of Elections Technician from pay grade 18 to pay grade 16 effective immediately. Commissioner Turner made a motion to approve the request. Commissioner Atha seconded the motion. All voted in favor.

Ms. Holland and Mr. Connell presented a request for a promotional increase for Coordinator of Elections. Commissioner Ayers made a motion to deny the request, stating that it doesn't meet the requirements of the Personnel Plan. Commissioner Robinson seconded the motion; voted and carried unanimously.

Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve personnel new hires for the record. All voted in favor.

Financial Officer Merridy McDaniel presented purchases & contracts of \$2,500.00 or greater, along with additions added at adoption of the agenda. Commissioner Turner made a motion to approve purchases & contracts as presented, including the additions. Commissioner Green seconded the motion; voted and carried unanimously.

Ms. McDaniel presented a resolution approving a pre-application for funding from the Department of Natural Resources Land and Water Conservation Fund for a park and recreation project, with the cost not to exceed \$200,000.00. Commissioner Turner made a motion to adopt the resolution. Commissioner Palmer seconded the motion; voted and carried unanimously.

Ms. McDaniel presented various refunds for the record. Commissioner Robinson made a motion to approve the refunds. Commissioner Turner seconded the motion; voted and carried unanimously.

Commissioner Robinson made a motion to remove item 8 C – Discussion of citizens' complaints regarding recreation from the agenda. Commissioner Turner seconded the motion. All voted in favor.

Chairman Little announced that the applicants for rezones for Harrington Homes, Inc. and William A. Stark, along with a Conditional Use request for Nextel Communications had asked that the matters be tabled until the February 3, 2004 meeting. Chairman Little gave those present in opposition to the aforementioned matters an opportunity to speak.

Timothy Stark came before the Board in opposition to the rezone request from A-1 to B-2 for William A. Stark.

The Board considered a Planning Commission recommendation to approve alteration to zoning conditions – R-1 for L.D.F. Development, Inc. The effected property is located on Bethany Church Road and is further identified on WC Tax Map C 162, Parcels 62 & 63. The purpose of the request is for alteration of zoning conditions placed on the property at the time of its

rezone to allow for an OSC Overlay. Chairman Little opened the public hearing on the matter. Lindy Farmer, representing the applicant, came before the Board in support of the request. There was no one present in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the request with the condition that an archaeologist study is performed and any graves on the property are protected. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 w/ Greenspace Conservation Overlay for Montana Development, Inc. The effected property, owned by Walter Nieznay and Jeffrey Nieznay, is located on June Ivey Road and is further identified on WC Tax Map C 57, Parcels 58 & 59. The purpose of the request is to rezone 84 acres to R-1 with a Greenspace Conservation Overlay single-family residential subdivision. Chairman Little opened the public hearing on the matter. Alex Mitchem, representing the applicant, came before the Board in support of the rezone. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the rezone with the condition that traffic-calming devices are placed in the subdivision and that the developer works with the Code Enforcement Office to determine the placement. Commissioner Robinson seconded the motion. All voted in favor.

Commissioner Turner made a motion to table a decision on a Planning Commission recommendation to approve a rezone request from A-1 to R-1 w/ OSC Overlay for Harrington Homes, Inc. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to B-2 for E & D Enterprises, Inc. The effected property, owned by Joe Langford & Linda Tawzer, is located at Hwy. 138 and Youth Jersey Road and is further identified on WC Tax Map C 64, Parcel 50. The purpose of the request is to rezone 5.00 acres to B-2 for commercial/retail space. Chairman Little opened the public hearing on the matter. Attorney Phillip Hoover, representing the applicant, came before the Board in support of the rezone. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to approve the rezone with the condition that it meets all DOT stipulations, on the property lines where the two houses join this property to have 3 gallon Leyland Cypress planted 6 ft. apart where the property joins the residential area, and the down lights on the sides of the building be shrouded where the lights will go down. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to B-3 for John B. Little et al. The effected property, owned by Don Moon & David Samples, is located on Ga. Hwy. 11 and is further identified on WC Tax Map C 140, Parcel 90. The purpose of the request is to rezone 30.12 acres to B-3 for office warehouse. Chairman Little opened the public hearing on the matter. John Little came before the Board in support of the rezone. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone with the condition that the recommendation letter dated 12/4/03 outlining conditions proposed by the adjoining property owner is made part of the approval. Commissioner Green seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for Michael & Linda Brus. The effected property is

located at 2885 Old Zion Cemetery Road and is further identified on WC Tax Map C 41, Parcel 21. The purpose of the request is for a guesthouse. Chairman Little opened the public hearing on the matter. Michael Brus came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the Conditional Use. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Palmer made a motion, seconded by Commissioner Atha, to table a decision on a Planning Commission recommendation to approve a Conditional Use request for Nextel Communications until the 2/3/04 meeting. All voted in favor.

The Board considered a Planning Commission recommendation to deny a rezone request from A-1 to B-2 for William A. Stark. The effected property is located on Ga. Hwy. 20 and is further identified on WC Tax Map C 6, Parcel 41A. The purpose of the request is to rezone 10.511 acres to B-2 for minor automotive repair and maintenance. The applicant requested the Board table consideration of the rezone because he could not attend the meeting to present the request due to illness. Timothy Stark spoke earlier in the meeting in opposition to the rezone. Commissioner Turner stated that the rezone request does not meet the Land Use Plan and is a potential safety issue. Commissioner Turner made a motion to deny the rezone. Commissioner Atha seconded the motion. County Attorney Ken Lander stated that if the applicant had been led to believe that the matter would be tabled and was not told that the Board could be making a decision on the matter at this meeting, that his opinion is that the matter should be tabled. He stated that the Board had heard statements opposing the rezone earlier in this meeting and that the applicant should be given an opportunity to present his case. Commissioner Turner withdrew his motion and Commissioner Atha withdrew his second. Commissioner Turner made a motion to table a decision on the matter until the 2/3/04 meeting. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a resolution setting the date and time of monthly Commission meetings for 2004. Commissioner Robinson made a motion to adopt the resolution setting the monthly Commission meetings on the 1<sup>st</sup> Tuesday of each month at 6:00 p.m. Commissioner Green seconded the motion. All voted in favor.

The Board considered a resolution reaffirming the \$1.50 911 charge on telephone subscribers. Commissioner Turner made a motion, seconded by Commissioner Green, to adopt the resolution. All voted in favor.

Commissioner Robinson made a motion to amend the agenda to include appointment of the County Fire Chief. Commissioner Ayers seconded the motion. All voted in favor.

Commissioner Robinson made a motion to appoint Leta Talbird as County Clerk for 2004. Commissioner Turner seconded the motion; voted and carried unanimously.

Commissioner Green made a motion, seconded by Commissioner Palmer, to appoint Rhonda Hawk as Assistant County Clerk for 2004. All voted in favor.

Commissioner Robinson made a motion to appoint Ken Lander as County Attorney for 2004. Commissioner Palmer seconded the motion; voted and carried unanimously.

Commissioner Green made a motion to appoint Bill Childers as Associate

County Attorney for 2004. Commissioner Palmer seconded the motion. All voted in favor.

Commissioner Robinson made a motion to appoint Steve Couch as Fire Chief for 2004. Commissioner Green seconded the motion; voted and carried unanimously.

The Board considered annexation requests from the City of Loganville on the following properties: 3859 Claude Brewer Road – A. Fortner Construction, Ga. Hwy. 81 South – Freedom Financial Corporation, and Claude Brewer Road – Noah Enterprises/Cross Pipeline. Commissioner Turner made a motion to table a decision on the requests and to request additional information from the City of Loganville. He further moved that the City elected officials request these annexations from the County and that we develop systems and procedures to be able to give us more information on these annexations. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered an agreement for payment of fee for the Metropolitan North Georgia Water Planning District. Commissioner Turner made a motion to approve the agreement. Commissioner Green seconded the motion. All voted in favor.

Ben Carter of Carter Watkins Associates presented bids received for access control for the Walton County Government Building. Commissioner Ayers made a motion, seconded by Commissioner Palmer, to accept the low bid from CANA Communications in the amount of \$178,000.00. Commissioners Ayers, Turner, Green, Palmer and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

Mr. Carter presented bids received for the security system for the Walton County Government Building. Commissioner Green made a motion, seconded by Commissioner Atha, to accepted the low bid from CANA Communications in the amount of \$128,000.00. Commissioners Ayers, Turner, Green, Palmer and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered bids on a Ford Crown Victoria and a Ford Taurus for the District Attorney's Office. Commissioner Robinson made a motion to accept the low bids on both vehicles. Commissioner Green seconded the motion; voted and carried unanimously.

The Board considered bids received for Roadside Vegetation Management. Paul Burrell of NatureChem spoke to the Board regarding the procedure for application of the products used. Commissioner Atha made a motion to accept the low bid from DeAngelo Brothers. Commissioner Palmer seconded the motion. All voted in favor.

County Attorney Ken Lander and Associate County Attorney Bill Childers gave an update on negotiations with Comcast Communications on a franchise agreement.

The Board considered a Software Support Agreement with Governmental Systems, Inc. for tax appraisal software. Commissioner Robinson made a motion to approve the agreement, contingent upon review by the County Attorney. Commissioner Atha seconded the motion. All voted in favor.

The Board considered an amendment to the contract with County Attorney Ken Lander. Commissioner Green made a motion to approve the amendment. Commissioner Robinson seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Palmer, to approve, for the record, a land & improvement donation agreement with West Walton Properties, Inc. All voted in favor.

The Board considered a Tax Assessor's Office recommendation to approve a refund for Habitat for Humanity of Walton County, Inc. Commissioner Atha made a motion, seconded by Commissioner Robinson, to approve the refund. All voted in favor.

The Board considered a maintenance agreement with ABD Network Consultants, LLC for the Identix Livescan system at the Walton County Sheriff's Department. Commissioner Palmer made a motion to approve the agreement. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered an Alcoholic Beverage License renewal for Glenda Hayes – Glenda's Bar & Grill. Commissioner Turner made a motion to approve the license contingent upon the applicant having all required documentation submitted to the County Clerk by the close of business on 1/13/04, which is one week from the date of this meeting. Commissioner Green seconded the motion. Commissioners Turner, Green, Palmer and Atha voted in favor of the motion. Commissioners Ayers and Robinson opposed the motion. The motion carried 4-2.

The Board considered a revised agreement with Avondale Mills, Inc. for the property located on South Madison Avenue in Monroe. Commissioner Atha made a motion to approve the revised agreement. Commissioner Robinson seconded the motion; voted and carried unanimously.

Mickey Lankford, Laura McCrodden and Debra Smith came before the Board to request approval for a Community Development Block Grant application for the Boys & Girls Club. Ms. Smith stated that she would prepare the application free of charge. Commissioner Robinson made a motion to approve the application. Commissioner Palmer seconded the motion; voted and carried unanimously.

Paul Burrell of NatureChem spoke during the public comment segment of the meeting.

Chairman Little announced that the Board would hold a called meeting on Tuesday, January 27, 2004 at 6:00 p.m.

At 8:30 p.m., Commissioner Turner made a motion, seconded by Commissioner Green, to adjourn the meeting.

All contracts, resolutions and other documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

KEVIN W. LITTLE, CHAIRMAN      LETA P. TALBIRD, CLERK

CLINTON AYERS, DISTRICT 1      MICHAEL TURNER, DISTRICT 2

HARRY P. GREEN, DISTRICT 3      LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5      JOHN ROBINSON, DISTRICT 6