

August 3, 2004

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, August 3, 2004 at 6:00 p.m. in the Courthouse Annex V Conference Room, 132 East Spring 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 and Planning Director Mike Martin. 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 6:25 p.m. and led those present in the Pledge of Allegiance. Commissioner Robinson opened the meeting in prayer.

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

The Board considered a Planning Commission recommendation to approve a rezone request from R-1 to R-1 with Open Space Conservation Overlay for Poplar Street Development, LLC. The effected property, owned by Herbert & Pat Malcom, is located on Poplar Street and is further identified on WC Tax Map C 166, Parcel 28. The purpose of the request is to rezone 27.665 acres to R-1 with Open Space Conservation Overlay for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, 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, seconded by Commissioner Turner, to approve the rezone. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 & R-1 to R-1 for A. Fortner Construction Company, Inc. The effected property, owned by Wayne Scruggs, Judy Scruggs & Thomas Scruggs, is located on Navaho Trail and is further identified on WC Tax Map C 181, Parcels 2 & 2B. The purpose of the request is to rezone 69.87 acres to R-1 for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the rezone. Mr. Benton reserved the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Robinson stated that this type of development would cause a burden on the schools and would increase traffic. Commissioner Palmer made a motion to approve the rezone conditioned upon a modification to the plan to include traffic calming devices to slow traffic down, approval of one entrance and setting aside one acre for recreation. Commissioner Atha seconded the motion. Commissioners Ayers, Green, Atha and Palmer voted in favor of the motion. Commissioners Robinson and Turner opposed the motion. The motion carried 4-2.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for a guesthouse for Greg Hennigan. The effected property is located at 1445 Thurston Snow Road and is further identified on WC Tax Map C 192, Parcel 23A. Chairman Little opened the public hearing on the matter. Greg Hennigan 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 Palmer made a motion to approve the Conditional Use with the condition that it never be used as rental property. Commissioner Robinson seconded the motion; voted and carried

unanimously.

Commissioner Turner made a motion, seconded by Commissioner Robinson, to accept the following rights of way, as per Article 8, Section 170 of the WC Land Development Ordinance: The Meadows at Blue Springs III – Kristin’s Way, Jefferson Plantation III – Monticello Drive, Randolph Court and The Summit – Summit Court. All voted in favor.

Commissioner Robinson made a motion to table a decision on moving forward with the process of amending the WC Land Development Ordinance regarding existing mobile home parks until the 8/26/04 meeting in order to have more time to discuss the proposal. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Robinson made a motion to table a decision on paving Adamson Drive until the 8/26/04 meeting. Commissioner Green seconded the motion; voted and carried unanimously.

Purchasing Agent Rhonda Hawk presented proposals received for a VO/IP System for the new Government Building. Facilities Director Joyce Chambers and Information Systems Director Lamar Milligan were present to answer questions. Commissioner Turner made a motion to accept the proposal from Alltel. He further moved to approve a contract with Monroe Utilities Network for fiber connections. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Green made a motion, seconded by Commissioner Palmer, to approve contracts & budgeted purchases, which were added at adoption of the agenda. All voted in favor.

County Attorney Ken Lander presented new procedures for annexations as set forth in House Bill 709. He reviewed the changes in the procedure with the Board. Planning Director Mike Martin and Attorney Lander presented annexation requests for the City of Loganville, to which the County previously objected:

Annexation A04-001 – Freedom Financial Corporation – Highway 81. Mr. Lander stated that the County’s objection to this annexation application was based on the requested rezone to commercial highway. He stated that the owner of the property has withdrawn his request from rezoning and as a result, will develop the property as Land Use Designation R 44. Mr. Lander stated that the property owner could consider rezoning the property after one year. Commissioner Turner made a motion, seconded by Commissioner Robinson, to deny the annexation based on the original objection. After further discussion, Commissioner Turner amended his motion to deny the annexation because the request still changes the intensity of the use of the property. Mr. Lander stated that the proposed R 44 land use is slightly over one acre and is lower than what the County allows in the current land use designation. Commissioner Turner stated that in essence, the County has no authority to object to the annexation, yet annexations are being brought before the Board for a decision for which the County can be penalized. Commissioner Turner withdrew his motion and Commissioner Robinson withdrew his second. Commissioner Robinson made a motion to withdraw the County’s objection to the annexation. Commissioner Atha seconded the motion. Commissioners Ayers, Green, Palmer, Atha and Robinson voted in favor. Commissioner Turner opposed the motion. The motion carried 5-1.

Annexation A03-133 – 3559 Claude Brewer Road and Annexation A03-015 – Rock Road. Attorney Lander stated that the Board denied these annexations based upon traffic congestion, and that is not a bona fide objection as defined by O.C.G.A. Mr. Lander stated that the proposed land

use is the same. Commissioner Turner stated that the corridor is already backlogged and the DOT says that it requires 4-laning now, but does not have the money to do it. He stated that the proposed development would create almost 700 households. Commissioner Palmer made a motion to withdraw the County's objection to the annexations. Commissioner Atha seconded the motion. Commissioners Green, Palmer, Atha and Robinson voted in favor of the motion. Commissioners Ayers and Turner opposed the motion. The motion carried 4-2.

Annexation 04-005 – Claude Brewer Road, Annexation A04-019 – Highway 81, Annexation A04-028 – Carter Baker Drive and Annexation A04-023 – Highway 81. Commissioner Ayers recused himself from a decision on these annexations. Mr. Lander stated that a 50-foot strip has been cut out of this area to avoid the formation of an incorporated island. Commissioner Robinson stated that the annexation would greatly impact the schools and adversely impact the infrastructure. Commissioner Turner stated that he thought it would be appropriate for the County Attorney to seek out an opinion through the courts to define intensity. After further discussion, Commissioner Atha made a motion to withdraw the County's objections to the annexations. Commissioner Palmer seconded the motion. Commissioners Atha, Palmer and Green voted in favor. Commissioners Robinson and Turner opposed the motion. Commissioner Ayers recused himself from a vote in the matter. Chairman Little voted in favor. The motion carried 4-2.

At 7:52 p.m. Commissioner Ayers made a motion, seconded by Commissioner Robinson, to adjourn the meeting. All voted in favor.

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

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KEVIN W. LITTLE, CHAIRMAN

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LETA P. TALBIRD, CLERK

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CLINTON AYERS, DISTRICT 1

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MICHAEL TURNER, DISTRICT 2

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HARRY P. GREEN, DISTRICT 3

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LAMAR PALMER, DISTRICT 4

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GERALD ATHA, DISTRICT 5

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JOHN ROBINSON, DISTRICT 6