

January 4, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, January 4, 2005 at 6:00 p.m. in the Board Room of the Walton County Government Building, 303 South Hammond Drive, Suite 330, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Vickie Gasaway, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Lander, Personnel Director Janice Holland, Financial Officer Merridy McDaniel 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 6:05 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

Commissioner Turner 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 Palmer, to approve the minutes of the December 2, 2004, December 7, 2004 and December 20, 2004 meetings. Commissioners Ayers, Turner, Palmer, Atha and Robinson voted in favor. Commissioner Gasaway abstained. The motion carried.

Commissioner Turner made a motion to ratify the Board's decision of December 20, 2004 adopting a resolution to consolidate the Walton County Water & Sewerage Authority. Commissioner Atha seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with RND Overlay for Margaret M. Price. The effected property is located on Bold Springs Road and is further identified on WC Tax Map C 86, Parcel 93. The purpose of the request is to rezone 57.1+- acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the rezone. Mr. Rosenthal submitted a letter preserving the applicant's Constitutional rights for the record. Planning Director Mike Martin presented a revised site plan for the Board's review. Mr. Rosenthal addressed conditions recommended by the Planning Commission and variances that would be required for entrances. He also submitted a traffic study for the Board's review. Joel Johnson, Joe Hensley and Milton Harrison spoke in opposition to the rezone, citing concerns about increased traffic congestion, increased density within close proximity to residents with larger lots, many of who have horses and the wetlands on the property as some of the reasons for opposition. Mr. Rosenthal stated that the applicant would get further traffic studies if necessary to address the concerns. He added that the applicant

would do what they have to in order to preserve the wetlands. Mike Martin stated that wetlands delineation would be required. He stated that there are three criteria that make property wetlands and if they have two of the three criteria, then it will be designated as a wetland and a study would have to be done. He added that those determinations would have to be met with the hydrology study. Mr. Martin also addressed the center turn lane and accel/decel lane requirements. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the rezone according to the Planning Commission recommendation and conditioned on there being a second entrance or likewise if they go with one entrance, they will have to keep it to 100 lots or less, no lots will be encroached by the flood plain, a concrete pad or other appropriate designated location for garbage cans will be provided, uniform metal post mailboxes or central mailbox banks will be installed by developer, a center turn lane and accel/decel will be left to the discretion of the Planning & Development Director to what needs to be done, all utilities will be underground, recreation areas should be centrally located with trails and public parking provided and a 6-ft. chain link fence should be placed around the perimeter of the subdivision on three sides. He further moved that the Homeowners Association will have the following required provisions in addition to those in Article 11 of the county code: 1. Mandatory and automatic membership in the homeowners association as requirement of ownership. 2. All owners shall have equal access and right to use to all common and shared facilities. 3. A fair and uniform method of assessment for dues, maintenance and related costs. 4. Perpetual and continued maintenance of properties and conservation areas and liability through the liens or other means in the case of default. 5. Parking will be prohibited on the public streets. 6. Garbage cans will be removed from the street the same day as garbage pickup. 7. No outside auto repairs or other mechanical maintenance activities will be permitted. 8. All required covenants, declarations and restrictions shall be notated on individual plats, individual deeds, subdivision plat and filed with the Clerk of Superior Court of Walton County. 9. The provisions of the homeowners association will be reviewed by the county attorney for compliance with state and county laws and the intent of these conditions. The motion died due to lack of a second. Commissioner Turner made a motion to deny the rezone for safety reasons because of the traffic on Bold Springs Road it will create a hazard with that many residents coming out onto the road. 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 R-1 with 2,400 overlay for East Atlanta Properties, Inc. The effected property is located on Emmett Still Road and is further identified on WC Tax Map C 29, Parcel 25. The purpose of the request is to rezone 27.00 acres for a single-family subdivision. Chairman Little stated that the applicant requested the matter to be tabled until the February board meeting. Chairman Little opened the public hearing in order that those present in opposition to the rezone be allowed to speak. Richard Holmes spoke in opposition to the rezone. He presented a petition signed by residents of Gum Creek Landing who oppose the rezone and a letter clarifying the concerns of the petitioners. Eunice Thompson and Bobby Still also spoke in opposition to the rezone. Commissioner Gasaway asked that all information presented by the opposition at this meeting be placed

into the record for the February board meeting. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion to defer the rezone recommendation until the next regular meeting in February. Commissioner Robinson seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer and Robinson voted in favor of the motion. Commissioner Atha opposed the motion. The motion carried 5-1. Commissioner Gasaway made a motion to instruct the County Attorney to meeting with Planning & Development Director Mike Martin to come up with a policy regarding notifying landowners when a rezone application has been tabled. Commissioner Turner 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 with 2,400 overlay for Jeff Tucker, Tucco, LLC. The effected property is located on Broadnax Mill Road, Holly Ridge & Arblay Place and is further identified on WC Tax Map C48, Parcel 52. The purpose of the request is to rezone 46.22 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Jeff Tucker came before the Board in support of the rezone. Ken Wolfe spoke in opposition, inquiring if Tucco LLC plans to put a road across the dam of the lake. Mr. Tucker stated that there would be a private driveway across the dam. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone conditioned on a second entrance being located and approval to be contingent upon that entrance being located in a place that is acceptable for traffic practices and that there is no site distance problem or anything of that nature that hinders this. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to deny a Land Use Designation change from medium Density Residential to High Density Residential and rezone request from A-2 OSC to R-1 w/ Open Space Conservation Overlay for Casteel Waddell Developers, Inc. The effected property is located on Mountain Creek Church Road and is further identified on WC Tax Map C 121, Parcels 41, 41A & 46. The purpose of the request is to change the land use on 66.71 acres and to rezone 58.61 acres for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Mike Waddell came before the Board in support of the request. He stated that he is requesting that 14 lots be approved in addition to the 44 lots previously approved to help compensate for the increased cost of the water main due to requirements by the City of Monroe. Dennis Tillman, Eddie Walker and Linda Wall spoke in opposition to the request, citing potential pollution of the stream by septic tanks and increased density as reasons for opposition. Ms. Wall submitted a petition signed by persons opposed to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to deny the request for the rezone because it does not comply with the Land Use Map and was turned down for the same reason by the Planning Commission. Commissioner Ayers seconded the motion; voted and carried unanimously.

At 7:30 p.m., Commissioner Ayers made a motion, seconded by Commissioner Turner, to take a 10-minute break. All voted in favor.

At 7:40 p.m., Commissioner Gasaway made a motion, seconded by Commissioner Turner, to reconvene the meeting. Chairman Little called the meeting back to order.

Commissioner Robinson made a motion, seconded by Commissioner Palmer, to consider the resolution regarding annexation for the City of Social Circle at this time. All voted in favor.

Social Circle Mayor Jim Burgess presented a resolution for the County's support of the City of Social Circle's request for local legislation to amend the City Charter so as to allow the annexation of certain property into the City. Commissioner Palmer made a motion to adopt the resolution. Commissioner Atha seconded the motion; voted and carried unanimously.

Chairman Little opened the public hearing on the County's Impact Fee Ordinance. Bill Ross of Ross & Associates reviewed proposed exemptions and other portions of the proposed ordinance with the Board. Gary Werneke expressed his concerns regarding funding of emergency services.

The Board considered a proposal to provide health insurance coverage for former commissioners. Commissioner Turner made a motion, seconded by Commissioner Gasaway, to deny the proposal. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve employee new hires and a change from temporary to full-time, for the record. All voted in favor.

Personnel Director Janice Holland discussed with the Board the need for an employee staffing plan and a salary data study. Ms. Holland will bring additional information to the Board at its next work session.

Sheriff Joe Chapman presented a request for reorganization of a position, creating a budget management position that is not in a law enforcement capacity. Sheriff Chapman presented a proposed job description for the Board's review. Commissioner Gasaway asked Sheriff Chapman if there is a position that currently performs the duties set forth in the new job description. Sheriff Chapman stated that he eliminated the current position through the Personnel Director. He stated that the former position was a Major's position, which is a POST certified law enforcement position. He stated that the new position will not be involved in any law enforcement issues, but will be involved in budgeting, finance and supply issues. Sheriff Chapman stated that there are variations between the two positions.

At 8:15, Commissioner Robinson made a motion to enter into executive session to discuss personnel matters. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor.

At 8:50 p.m., Commissioner Turner made a motion, seconded by Commissioner Gasaway, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Robinson voted in favor. No votes were taken while in executive session.

Sheriff Chapman requested the Board approve his proposal creating a new position of Management & Budget Officer with a beginning salary of \$41,000.00 and to approve the associated budget reallocation. He also asked that the Board approve the position as an appointed position to serve at the will of the Sheriff. Commissioner Turner made a motion to deny the request. Commissioner Ayers seconded the motion. Commissioners Ayers, Turner and Gasaway voted in favor of the motion. Commissioners Palmer, Atha, Robinson and Chairman Little opposed the motion. The motion failed 3-4. Commissioner Atha made a motion to approve the request. Commissioners Palmer, Atha and Robinson voted in favor of the motion. Commissioners Ayers, Turner and Gasaway opposed the motion. Chairman Little voted in favor of the motion. The motion carried 4-3.

Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve Magistrate Court bank accounts, for the record. All voted in favor.

Financial Officer Merridy McDaniel presented contracts & budgeted purchases of \$2,500.00 or greater for the Board's consideration. Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve contracts & purchases as presented. All voted in favor.

Commissioner Ayers made a motion, seconded by Commissioner Atha, to approve EMS patient refunds for the record. All voted in favor.

Commissioner Robinson made a motion to adopt a resolution setting the monthly meeting date on the 1<sup>st</sup> Tuesday each month at 6:00 p.m. Commissioner Turner seconded the motion; voted and carried unanimously.

Commissioner Atha made a motion, seconded by Commissioner Gasaway, to adopt a resolution reaffirming the \$1.50 911 charge on telephone subscribers. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Robinson, to appoint Leta Talbird as County Clerk for 2005. All voted in favor.

Commissioner Robinson made a motion, seconded by Commissioner Gasaway, to appoint Rhonda Hawk as Assistant County Clerk for 2005. All voted in favor.

Commissioner Palmer made a motion, seconded by Commissioner Atha, to appoint Ken Lander as County Attorney for 2005. All voted in favor.

Commissioner Robinson made a motion, seconded by Commissioner Gasaway, to appoint

Bill Childers as Associate County Attorney for 2005. All voted in favor.

Commissioner Atha made a motion, seconded by Commissioner Palmer, to appoint Commissioner John Robinson as Vice Chairman for 2005. All voted in favor.

The Board considered appointments to the Oconee River RC&D. Commissioner Ayers made a motion, seconded by Commissioner Atha, to table a decision on the matter and to give the Chairman the authority to contact the current appointees to inquire if they wish to continue to serve. All voted in favor.

Bill George of the Walton County Water & Sewerage Authority read a letter into the record regarding the Board's resolution regarding the restructuring of the Authority.

Travis Brown spoke during the public comment segment of the meeting.

At 9:20 p.m., Commissioner Turner made a motion, seconded by Commissioner Ayers, to enter into executive session to discuss personnel matters. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor.

At 9:35 p.m., Commissioner Turner made a motion, seconded by Commissioner Gasaway, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor. No votes were taken while in executive session.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve an Engagement Letter from Treadwell, Tamplin & Company for auditing services for the period of July 1, 2004 through December 31, 2004 for the Sheriff's Department and the Magistrate Court. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve use of certain language suggested by Financial Officer Merridy McDaniel regarding water lines in the Financial Statement. All voted in favor.

At 9:40 p.m., Commissioner Turner made a motion, seconded by Commissioner Palmer, 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.

KEVIN W. LITTLE, CHAIRMAN

LETA P. TALBIRD, CLERK

CLINTON AYERS, DISTRICT 1

MICHAEL TURNER, DISTRICT 2

VICKIE M. GASAWAY, DISTRICT 3

LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5

JOHN ROBINSON, DISTRICT 6