

February 1, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, February 1, 2005 at 6:00 p.m. in the Commission Board Room, 303 S. 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, Associate County Attorney Bill Childers, Personnel Director Janice Holland 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 addition. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered a request to withdraw a rezone request from A-1/R-1 OSC to R-1 w/ 2,400 Overlay on 27.00 acres for East Atlanta Properties, which had been tabled at the 1/4/05 meeting. Commissioner Gasaway made a motion to approve the withdrawal. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to deny a rezone request from R-1 to R-3 for Jack Sockwell. The effected property, owned by Gail A. & Kenneth C. Moubray, Jalkumar Bindraban & Janice Valentine, is located on Gene Bell Road and further identified on WC Tax Map C 165, Parcels 81, 81A and C 166, Parcel 1. The purpose of the request is to rezone 33.08 acres for an owner-occupied town home community. Chairman Little recused himself on the matter and Vice Chairman Robinson presided. Vice Chairman Robinson opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the rezone. He stated that a letter preserving the applicant's Constitutional rights had been submitted for the record. Mr. Rosenthal presented artist renderings of what the townhomes would look like and reviewed the details of the request with the Board. Jim Brown, Roy Clark, Nathan Claudefeller, Ricky Hall & Janelle Claudefeller spoke in opposition to the rezone. Mr. Brown and Mr. Hall asked those present in opposition to the rezone to stand. Those speaking in opposition cited increased density, inconsistency with the surrounding area and infringement of property rights as reasons for opposition. Vice Chairman Robinson closed the public hearing on the matter. Commissioner Atha made a motion to deny the rezone, stating that he felt the rezone would be premature and is not consistent with the surrounding area. Commissioner Turner seconded the motion; voted and carried unanimously.

At 6:35 p.m., Commissioner Ayers made a motion to take a 5-minute break. Commissioner Turner seconded the motion. All voted in favor.

At 6:40 p.m., Chairman Little called the meeting back to order.

Walton County School Superintendent Dr. Tim Lull came before the Board to request support for the Board of Education's school bond referendum. Commissioner Turner made a motion, seconded by Commissioner Palmer, to add the matter to the agenda for consideration. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with Open Space Conservation Overlay for Landers Ridge, LLC. The effected property, owned by Kenneth J. & Kimberly K. Lander, is located at 3550/3570 Moina Michael Road and is further identified on WC Tax Map C 193, Parcels 20 & 20 A. The purpose of the request is to rezone 66+- acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Mike Malcom, representing the applicant, came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone with the conditions that a 3.5 ft. hog wire fence will be installed along the boundary line between the development and Mr. Gilreath's property and on the opposite side put in Leyland cypress trees 10 feet apart from Moina Michael Road to the gully. 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 Open Space Conservation Overlay for Evergreen Land & Properties, LLC. The effected property, owned by Robert E. Boss and Betty B. Camp, is located on Boss Circle and further identified on WC Tax Map C 38, Parcel 37. The purpose of the request is to rezone 80.447 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. He stated that a letter preserving the applicant's Constitutional rights had been placed on record at the Planning Commission meeting. Mr. Rosenthal reviewed the details of the rezone request with the Board. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone with the condition that a study be done by the Walton County Fire Department and another study done by the Walton County Water & Sewerage Authority and if for any reason there is not adequate water pressure at this subdivision that this developer will put in an 8 inch or larger line, whatever is deemed necessary, and do whatever work is necessary to bring this up to the standard so it provides not only the water pressure these people need, but also the fire protection they need. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor of the motion. 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 2400 Overlay for Don L. Smith and Brian T. Smith. The

effected property, owned by the Alexander Trust, is located at 3030 N. Sharon Church Road and is further identified on WC Tax Map C 11, Parcel 12. The purpose of the request is to rezone 8.47 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Don Smith came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone conditioned upon minimum 2,400 sq. ft. homes with brick or stucco fronts and hardy plank on the rest of the house. Commissioner Ayers seconded the motion. Commissioner Turner amended his motion by adding a condition that a notation will be placed on the deed that the property is in a farming community. Commissioner Ayers seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 w/ Open Space Conservation Overlay for Meridian Development Corporation. The effected property, owned by Donald & Georgine Boss, is located on Grady Smith Road and is further identified on WC Tax Map C 40, Parcels 8A & 9. The purpose of the request is to rezone 49.183 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 stated that a letter preserving the applicant's Constitutional rights was tendered for the record at the Planning Commission meeting. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone conditioned on minimum 1,800 sq. ft. single-story homes and minimum 2,000 sq. ft. two-story homes, there will be playground equipment placed in the open space and the same issue about the water lines, that a study be done both by the Fire Department and another one be done by the Walton County Water & Sewerage Authority and if for any reason before, during or at the end of this being developed, if it turns out to be that there is an issue with water pressure, that whatever needs to be done, whether it be a bigger line or whatever needs to be done, that an adequate line will be put in to provide adequate protection for these people. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from R-1 to R-1 w/ Residential Neighborhood Development Overlay for Meridian Development Corporation. The effected property, owned by LT Properties, LLC, is located on Michael Etchison Road & Ammons Bridge Road and is further identified on WC Tax Map C 97, Parcel 19. The purpose of the request is to rezone 222.2 acres for a senior 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 stated that a letter preserving the applicant's Constitutional rights was tendered for the record at the Planning Commission meeting. He presented renderings and plans for the style of homes planned for the development. Virginia Keith, Dr. Larry Key, Coleman Landers, Janelle Claudefer, Ray Ewell and David White spoke in opposition to the rezone, citing water pressure, increased traffic,

environmental issues due to silt running off into the river, inadequate buffers, the effect of the development on property values and the houses not all being 4- sided brick as reasons for opposition. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Atha stated that the Planning Commission and the Planning & Development staff recommended approval therefore, he made a motion to approve the rezone conditioned upon a center turn lane, the exit road from the subdivision will have a left and right turn lane entering Michael Etchison Road, a homeowners association with all restrictive covenants as stated by Mr. Rosenthal at this meeting with a mandatory requirement that all owners will be members, a construction entrance off of Ammons Bridge Road for Pod One, 100 ft. buffer on the frontage on Michael Etchison Road, all brick homes in Pod One, the developer will give \$100,000.00 for improvements to Michael Etchison Road where it runs into Hwy. 138, require the Fire Department to do a test on the fire hydrants, agree to clear one pod at the time and that Leyland cypress will be planted on 6 ft. centers in all the open areas behind Mr. Coleman Landers' property and wherever it need be where it is less than 100 feet. Commissioner Ayers seconded the motion. Commissioners Ayers, Gasaway, Palmer and Atha voted in favor of the motion. Commissioners Turner and Robinson opposed the motion. The motion carried 4-2.

At 8:15 p.m., Commissioner Ayers made a motion to take a 5-minute break. Commissioner Turner seconded the motion; voted and carried unanimously.

At 8:25 p.m., Chairman Little called the meeting back to order.

The Board considered a Planning Commission recommendation to approve a rezone request from R-1 to R-1 w/ Open Space Conservation Overlay for Triton Homes, Inc. The effected property, owned by Adele T. McCrary, is located on Gratis Road and Mt. Vernon Road and is further identified on WC Tax Map C 161, Parcel 52. The purpose of the request is to rezone 17.00+- acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. John Shea, representing the applicant, came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone. Commissioner Atha seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer & 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 w/ Open Space Conservation Overlay for Broad Street Realty. The effected property, owned by Joanne G. Fields, is located on Powers Road and is further identified on WC Tax Map C 164, Parcel 84 & C 179, Parcels 88 & 89. The purpose of the request is to rezone 71.19+- acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Randy Vinson, representing the applicant, came before the Board in support of the rezone. David Thompson spoke in opposition to the rezone stating that he would not be opposed if the recommendations of the Planning Commissioner were made conditions of the rezone, including 50 ft. buffers around the perimeter with a 100 ft. buffer on the front, accel/decel lanes with tapers, no

vinyl siding, but hardy board with brick accents. Billy Couch expressed his concerns regarding oil that he saw pouring out of trucks going into the property and stated that he had been told that there were transmissions disassembled on the property and oil was poured out. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone conditioned upon an environmental analysis being done on the property before any building is done and with the conditions set forth by the Planning Commission. The conditions are as follows: Accel/decel lanes with tapers and cul-de-sacs at the end of all streets, a homeowners association, 100- ft. buffers on the front and 50-ft. buffers around the perimeter, no vinyl, but hardy plank with brick accents and an environmental analysis on the property in areas of the wells and around the rental house, also any other concerned areas. Commissioner Atha seconded the motion. After further discussion, Commissioners Ayers, Turner, Gasaway, Palmer & Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a rezone request from R-1 to R-1 with Open Space Conservation Overlay for A. Fortner Construction. The effected property, owned by Darius Ebrams, is located on Grady Smith Road and is further identified on WC Tax Map C38, Parcel 41. The purpose of the request is to rezone 117.71 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 stated that a letter preserving the applicant's Constitutional rights was submitted for the record at the Planning Commission meeting. Mr. Rosenthal requested a variance to allow one entrance for 104 lots, waiving the requirement for two entrances for 100 lots or more. Rachel Van Der Boom came before the Board to express her concern regarding the condition of Grady Smith Road. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone conditioned on right of way being donated by both the Fortner parties, the water being studied by both the Fire Department and the Water Service making sure there is ample water and if there is not, the developer will do whatever is necessary to bring the water up to standard, playground equipment and an extra entrance to the greenspace area. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer & Atha voted in favor. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a guesthouse for James R. Eustice, Jr. & Suzanne L. Eustice. The effected property is located at 1731 H.D. Atha Road and is further identified on WC Tax Map C 77, Parcel 67L. Chairman Little opened the public hearing on the matter. James Eustice 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 Gasaway made a motion, seconded by Commissioner Turner, to approve the Conditional Use with the condition that never be used as a rental. All voted in favor.

At 9:15 p.m., Commissioner Turner made a motion, seconded by Commissioner Ayers, to

take a 5-minute break. All voted in favor.

Chairman Little called the meeting back to order at 9:25 p.m.

Commissioner Turner made a motion, seconded by Commissioner Palmer, to accept the rights of way and improvements in the following new subdivision developments: Golden Meadows Phase I – Golden Meadow Lane, Fence Court, Pasture Court, Barn Court, Alcovy Bluffs II – Phase I – Brooks Trail, Alexis Way, Shiloh Farms Phase II – Country Lane, Crystal Springs Estates – Sydney Way, Kennedy Court - The Estates at Ivey Brook – Ivey Brook Drive, Anslee Lakes II – Anslee Lane, Angie Court, Callee Drive, Caroline Court, Sandy Creek Cove Subdivision – Sandy Creek Road, Brook Hollow Lane, Amelia Way, Sandy Cove Drive, Cedar Ridge Crossing Subdivision – Cedar Crest Lane, Sara Court, Cedar Stream Court, South Run Cedar Drive, Brittany Downs Subdivision – Navaho Trail, Caitlyn Lane, Kayla Court, Ivey Manor Subdivision – Marigold Drive, Botanical Circle & Ella Springs Subdivision – Ella Springs Drive, Ella Springs Court. All voted in favor.

Planning Director Mike Martin presented a request for the realignment of the intersection of Coggins Road & Ga. Hwy. 138 that would coincide with a future development. He explained that an existing portion of Coggins Road would have to be abandoned and the Board would need to accept the proposed road. Commissioner Robinson made a motion to begin the abandonment process for the existing portion of Coggins Road. Commissioner Turner seconded the motion; voted and carried unanimously.

At 9:35 p.m., Commissioner Turner made a motion, seconded by Commissioner Gasaway, to enter into executive session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Robinson voted in favor.

At 9:55 p.m., Commissioner Robinson made a motion, seconded by Commissioner Atha, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Robinson voted in favor. No votes were taken while in executive session.

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

Personnel Director Janice Holland presented a proposed amendment to the Personnel Policy regarding a severance plan for employees who are laid off without cause. Commissioner Palmer made a motion, seconded by Commissioner Turner, to approve an amendment to the Personnel Plan Section 500, No. 3 Reduction in Forces to permit severance pay to employees who are laid off due to “a shortage of work or funds, the abolishment of a position, or because of changes in the organization”. Severance to be paid as one weeks pay for each year of service, rounding up or down one half year. Monies will be paid from the budget of Department in which employee worked. Effective date is retroactive to January 1, 2005, to provide this benefit to employees laid off in the Sheriff’s Office. All voted in favor.

Ms. Holland reviewed data regarding public safety salaries and turnover rates with the Board as well as proposals for a classification and pay study. Commissioner Turner asked Ms. Holland to obtain more detailed information about what is included in a market analysis.

District Attorney Ken Wynn requested the Board approve salary equalization for two investigator positions. Commissioner Palmer made a motion to approve the request. Commissioner Turner seconded the motion; voted and carried unanimously.

Sheriff Joe Chapman presented a request to purchase four used vehicles for use by the Criminal Investigation Division. Commissioner Turner made a motion, seconded by Commissioner Palmer, to approve the request. All voted in favor.

Interim Financial Officer Rhonda Hawk presented contracts & budgeted purchases of \$2,500.00 or greater for the Board's review. Commissioner Turner made a motion, seconded by Commissioner Atha, to approve contracts and budgeted purchases as presented. All voted in favor.

Commissioner Atha made a motion, seconded by Commissioner Palmer, to approve a budget amendment for closure of the volunteer firefighter fund account. All voted in favor.

Commissioner Robinson made a motion, seconded by Commissioner Turner, to accept a bid from Newco, Inc. for the installation of sports lighting at Criswell Park. All voted in favor.

Commissioner Palmer made a motion, seconded by Commissioner Turner, to approve an Alcoholic Beverage License renewal for Sandeep Singh – Shell Food Mart – 5393 Ga. Hwy. 138. All voted in favor.

Commissioner Robinson made a motion, seconded by Commissioner Atha, to adopt the Georgia Fund 1 Resolution for the record. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Ayers, to adopt a resolution updating the Northeast Georgia Regional Solid Waste Management Plan, dated November 2004. All voted in favor.

Melanie Byer of the Walton County Fire Department presented an Emergency Management resolution for the Board's consideration. Commissioner Robinson made a motion, seconded by Commissioner Palmer, to adopt the resolution. All voted in favor.

Commissioner Robinson made a motion to proclaim February 18, 2005 as Arbor Day in Walton County. Commissioner Atha seconded the motion; voted and carried

unanimously.

Commissioner Turner made a motion to proclaim the week of February 20-25, 2005 as Severe Weather Awareness Week in Walton County. Commissioner Palmer seconded the motion; voted and carried unanimously.

Melanie Byer presented a request to apply for a grant from the State Criminal Alien Assistance Program, which reimburses law enforcement agencies for the money spent housing criminal aliens. Commissioner Palmer made a motion, seconded by Commissioner Turner, to approve the grant application. All voted in favor.

Melanie Byer presented a request to apply for a federal grant to help pay for bulletproof vests purchased for deputies. Commissioner Ayers made a motion to approve the grant application. Commissioner Turner seconded the motion; voted and carried unanimously.

Melanie Byer presented a Georgia Emergency Management Performance Partnership Agreement for the Board's consideration. Commissioner Turner made a motion to approve the agreement. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to adopt an ordinance enacting a new Code for Walton County, Georgia; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; and providing for the manner of amending such code. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Atha, to approve the following refunds recommended by the Board of Tax Assessors: Silgan Plastics Corporation - \$17,021.54 & Barbara H. Stephens - \$874.26. All voted in favor.

Assistant EMS Director Ronnie Almand presented a request to apply for a Georgia Emergency Management Agency Office of Domestic Preparedness grant for the purchase of a 14 ft. walk-in trailer. Commissioner Turner made a motion, seconded by Commissioner Atha, to approve the grant application. All voted in favor.

Debra Smith of Allen Smith Consulting requested the Board's support to reapply for a Community Development Block Grant for the Walton County Boy's & Girl's Club. Commissioner Atha made a motion, seconded by Commissioner Robinson, to support the application. All voted in favor.

The Board considered a request from the Sheriff's Department to accept a 1996 Toyota Corolla that was forfeited in a drug case. Commissioner Atha made a motion, seconded by Commissioner Palmer, to accept the vehicle. All voted in favor.

The Board considered a Software Support Agreement with Governmental Systems, Inc. for the Tax Commissioner and Tax Assessors' Offices. Commissioner Atha made a

motion to approve the Agreement. Commissioner Turner seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve the following GDOT LARP Contracts: LAR05-S007-00 (873) – Resurfacing on Chandler Road & Mountain Creek Church Road and LAR05S007-00(874) – resurfacing on Center Hill Church Road. All voted in favor.

Attorney Ken Lander presented a contract with National Sign Plazas. He stated that the term of the contract needed to be changed to one year. Commissioner Turner made a motion, seconded by Commissioner Atha, to approve the contract with the change of the term as suggested by the County Attorney. All voted in favor.

Chris Kumnick of Walton County Environmental Health Services presented proposed environmental health fee increases for the Board's consideration. Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve the increases. All voted in favor.

Recreation Director Jody Johnson presented proposed sports registration fees for the Board's consideration. Commissioner Turner made a motion, seconded by Commissioner Robinson to approve the fees as presented for registrants who live in Walton County. All voted in favor. Commissioner Turner made a motion, seconded by Commissioner Atha, to double the fee for registrants who live outside Walton County. All voted in favor.

Jody Johnson presented proposed facility rental fees, agreement and release forms for the Board's consideration. Commissioner Robinson made a motion, seconded by Commissioner Atha, to approve the fees, the agreement forms and the release forms, changing the minimum liability insurance amount from \$500,00.00 to \$1,000,000.00 for organizations using facilities. All voted in favor.

Commissioner Atha made a motion, seconded by Commissioner Palmer, to approve using the City of Monroe for garbage disposal for the Government Building. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Atha, not to proceed with a meeting requested by the Walton County Water & Sewerage Authority and to proceed ahead with the legislation. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Atha, to support the Walton County Board of Education's bond referendum and instructing the County Attorney to draft a resolution of support. All voted in favor.

At 11:44 p.m., Commissioner Robinson made a motion, seconded by Commissioner Atha, to enter into executive session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Robinson voted in favor.

At 12:05 a.m., Commissioner Ayers made a motion, seconded by Commissioner Robinson, to return to regular session. All voted in favor. No votes were taken while in executive session.

At 12:06 a.m., Commissioner Palmer made a motion, seconded by Commissioner Atha, 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