

March 1, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, March 1, 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, Associate County Attorney Bill Childers, Personnel Director Janice Holland, and Charna Parker of the Planning & Development Office. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Jimmy Parker of Precision Planning presented a draft Sanitary Sewer System Development Plan and reviewed it with the Board.

Fire Chief Steve Couch and Chairman Little presented letters of commendation to Captain Anthony Everett, Firefighter Driver Engineer Frank Queen, Firefighter Driver Engineer Kristopher Parker and Firefighter Driver Engineer Wayne Flowers.

Chairman Little called the meeting to order at 6:30 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 requested addition. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered a request from Superior Court Judge John M. Ott for equalization of the Superior Court Judges' secretaries salaries. Commissioner Gasaway made a motion to approve the request. She further moved to ask for the adoption of a policy setting guidelines for increases in the supplements going forward from this time. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a request from Judges Ott, Benton, Adams, Burke and Rhymer to allocate \$50,000.00 from the Drug and Alcohol Training and Education Fund to the Boys & Girls Club of Walton County for the purpose of expanding the Club's drug abuse education and prevention programming. Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve the allocation in the amount of \$50,000.00. All voted in favor.

The Board considered the abandonment of a portion of Coggins Road and acceptance of new right of way for the realignment of the intersection of Coggins Road & Ga. Hwy. 138 to coincide with a future development. Commissioner Gasaway made a motion to abandon that portion of Coggins Road and to accept the new right of way. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from B-1 to B-3 for Allen Banks. The effected property is located at 5403 Ga. Hwy. 138 and is further identified on WC Tax Map C 30, Parcel 200. The purpose of the request is to rezone 2.40 acres for an auto sales lot. Chairman Little opened the public hearing on the matter. Allen Banks came before the Board in support of the rezone. He stated that he currently operates an auto sales lot on the property, which was grand fathered in. He stated that the rezone is required to come into compliance with current regulations. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion to approve the rezone. Commissioner Ayers 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 OSC Overlay for Tim Jackson, Gratis LLC. The effected property, owned by Gratis, LLC & Jennie Parr, is located on Gratis Road and is further identified on WC Tax Map C 162, Parcels 147 & 148. The purpose of the request is to rezone 62.73 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Don Osbourne, 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 Ayers made a motion, seconded by Commissioner Palmer, to approve the rezone as recommended by the Planning Commission and the Planning & Development staff, conditioned upon houses being a minimum of 1,800 sq. ft. All voted in favor.

The Board considered a Planning Commission recommendation to approve a land use designation change from commercial to industrial and a rezone request from B-1 to M-1 for Tommy Bowers. The effected property is located at 5503 Ga. Hwy. 138 and is further identified on WC Tax Map C 30, Parcel 195. The purpose of the request is to change the land use and correct the zoning district on an existing metal fabrication business located on 6.14 acres. Chairman Little opened the public hearing on the matter. Tommy Bowers 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 to approve the rezone with the stipulation that the property is used for a metal fabrication shop only. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Atha, to approve withdrawal of a rezone request from R-1 to R-2 for one duplex on 2.6567 acres for Clayton Brooks. All voted in favor.

The Board considered a Planning Commission recommendation to deny a land use designation change from medium density to high density and rezone from A-2 to R-1 with OSC Overlay for Shea Investments. The effected property, owned by Shea Investments & Overstreet Dev., LLC is located on Tommy Dillard Road and Bunk Tillman Road and is further identified on WC Tax Map C 178, Parcel 56. The purpose of the request is to change the land use and rezone 56 acres for a single-family subdivision.

Chairman Little opened the public hearing on the matter. John Shea came before the Board in support of the request. Mr. Shea requested the Board accept an amendment to the request to A-2 with OSC Overlay and not change the land use designation. Jennette Tillman and Fred Tibbetts spoke in opposition, citing water quality and water runoff issues as reasons for opposition. Chairman Little closed the public hearing on the matter. After further discussion, Commissioner Palmer made a motion to approve the rezone to A-2 with OSC Overlay, with conditions that the houses will be a minimum of 1,800 sq. ft., that landowners will maintain the buffer zone and that the developer will do whatever is necessary to contain the water, if it's a catch pond, then that has to be done. 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 Conditional Use for a guesthouse for Karol Dobson. The effected property is located at 4921 Rabbit Farm Road and is further identified on WC Tax Map C 28, Parcel 86. Chairman Little opened the public hearing on the matter. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve the Conditional Use with the condition that neither structure will ever be used as rental property. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a telecommunications tower for Verison Wireless. The effected property, owned by John David Mitchell, is located at 5030 Bold Springs Road and is further identified on WC Tax Map C 58, Parcel 89 Split. Chairman Little opened the public hearing on the matter. Attorney David Kirk, representing the applicant, came before the Board in support of the request. David Mitchell, who owns the property, was also present in support. Mr. Mitchell stated that the applicant is requesting three variances as part of the conditional use for setbacks: 1- Reduction of 7 feet on southern property line from 250 ft. to 243 ft. 2 – Reduction of 91 feet on northwestern property line from 250 ft. to 159 ft. 3 – Reduction of 132 feet on southeastern property line from 250 ft. to 118 ft. 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 contingent upon affidavits being signed by the adjoining three property owners where the setbacks are being reduced stating that they have no problem with the setbacks being reduced and stating that they will not build within 250 ft. from the base of the tower. Commissioner Atha seconded the motion. Commissioners Ayers, Gasaway, Palmer & Atha voted in favor of the motion. Commissioners Turner & Robinson opposed the motion. The motion carried 4-2.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a telecommunications tower for Craig & Associates, agent for Nextel. The effected property, owned by Walter & Rebecca Couch, is located at 3695 Bullock Bridge Road and is further identified on WC Tax Map C 59, Parcel 47 Split. Chairman Little opened the public hearing on the matter. Chris Kinchen of Craig & Associates came

before the Board in support of the request. Property owner Walter Couch was also present in support. Attorney Paul Rosenthal, representing adjacent property owners, came before the Board in opposition to the Conditional Use. Mr. Rosenthal submitted a Constitutional rights letter for the record and submitted a petition signed by 60 property owners in areas adjacent to the proposed tower site. In rebuttal, Design Engineer Roderick Smith spoke on behalf of the applicant. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to deny the Conditional Use because it is out of character with the area, being in an agriculture/estate type community. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Ayers made a motion, seconded by Commissioner Atha, to approve withdrawal of a Conditional Use request for outside storage for Dew Properties, LLC, 1838 U.S. Hwy. 78. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Ayers, to adopt a resolution amending the Comprehensive Plan Capital Improvements Element. All voted in favor.

Chairman Little opened a public hearing on the adoption of the Impact Fee Ordinance. Bill Ross of Ross & Associates reviewed the ordinance. Jeremy York, Vice President of the Greater Walton Homebuilders Association, spoke in opposition to the ordinance. He stated that the fee would be passed down to their customers. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to adopt the Impact Fee Ordinance, to become effective July 1, 2005. All voted in favor.

The Board considered an Alcoholic Beverage License application for Robert E. Michaels – Classic Pizza – Karlee Boulevard, Loganville, Georgia. Commissioner Gasaway made a motion, seconded by Commissioner Turner, to approve the license contingent upon a satisfactory criminal history report. All voted in favor.

The Board considered an Alcoholic Beverage License renewal for Vijay Patel – Hwy. 81 Food Mart – 5141 Hwy 81, N., Loganville, Georgia. Commissioner Gasaway made a motion to approve the license renewal. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a purchase request from the Recreation Department for fence & installation for the new ball fields at Criswell Park. After discussion, Commissioner Robinson made a motion, seconded by Commissioner Turner, to table a decision on the matter. All voted in favor.

The Board considered a request from the Sheriff's Department to purchase a trailer. The cost of the trailer is to be reimbursed from grant funds. Commissioner Palmer made a motion, seconded by Commissioner Atha, to accept the bid from Trackside Trailers in the amount of \$19,110.00, contingent upon 100% reimbursement by grant funds. All voted

in favor.

Jackie & Ezra Griffin spoke during the public comment segment of the meeting.

Chairman Little announced that the dedication of the new government building will be held on April 2, 2005 at 1:00 p.m.

At 8:30 p.m., Commissioner Turner made a motion, seconded by Commissioner Robinson, to enter into executive session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Robinson voted in favor.

At 8:50 p.m., Commissioner Turner made a motion, seconded by Commissioner Palmer, 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 to offer Christi Pickens the position of Financial Officer with salary in the amount of \$52,500.00 and to check her references. Commissioner Robinson seconded the motion. All voted in favor.

At 8:55 p.m. Commissioner Turner 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