

April 5, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, April 5, 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, Vickie Gasaway, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Landers 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. Commissioner Turner did not attend the meeting due to a prior commitment.

Chairman Little called the meeting to order at 6:03 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

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

Associate County Attorney Bill Childers presented substitutions of collateral for the ACCG Master Lease. Commissioner Palmer made a motion to give Mr. Childers the authority to go forward with the process. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve an alteration to zoning conditions for Joseph Estes & West Walton Properties. The effected property is located on H.D. Atha Road, Sardis Church Road and Oscar Barton Road and is further identified on WC Tax Map C 75, Parcel 8A. The purpose of the request is to have the zoning conditions amended due to a GDOT realignment project on H.D. Atha Road. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicants, 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 request with the following conditions: The entrance/exit will be across from Sardis Church and configured in such a way that it will be comparable to the Ansley Forrest Subdivision entrance, that there will still be a buffer of Leyland Cypress placed on the property to the east, which is the Skinner and Pittard properties and also that there is a buffer placed along Sardis Church Road from the corner of the property to a point perpendicular to the southern extension of the existing building that is there now (building #5) and that this screening will be waived only if the DOT goes through with the project. If, at a time, the DOT does not go through with the project, the entrance will still be there, but the rest of the screening will have to be put up. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a request from Maire & David Holcombe for a Land Use Designation change from high density residential to medium density and a rezone from R-1 to A-2 on 5.00 acres to allow for

two horses on the property. The effected property is located at 2710 Atkinson Road and is further identified on WC Tax Map C 49, Parcel 5G. Chairman Little opened the public hearing on the matter. Maire & David Holcombe 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, seconded by Commissioner Atha, to approve the request. All voted in favor.

Commissioner Robinson made a motion, seconded by Commissioner Gasaway, to move item 5.03 to later in the meeting to give the applicant, Rick Wages, an opportunity to show up to present his request. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with 2,400 Overlay for Regency Land Corporation. The effected property is located on June Ivey Road and is further identified on WC Tax Map C 70, Parcel 4. The purpose of the request is to rezone 3.55 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Don Stovall of Regency Land Corporation 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 Atha made a motion to approve the rezone. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Commissioner Gasaway made a motion, seconded by Commissioner Palmer, to move Item 6.01 for Alan Ridgeway until later in the meeting to give Mr. Ridgeway's attorney time to get to the meeting. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a guesthouse for Dale Wiley. The effected property is located on Alcovy Station Road and is further identified on WC Tax Map C 80, Parcel 34. Chairman Little opened the public hearing on the matter. Dale Wiley 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 Palmer, to approve the request with the condition that the primary residence or the guesthouse will not be rented. All voted in favor.

Commissioner Gasaway made a motion, seconded by Commissioner Atha, to defer consideration of Item 5.03 until later in the meeting. All voted in favor.

The Board considered a request from Hires Property to withdraw a rezone request from A-1 to R-1 w/ open space conservation overlay on 15.18 acres located on P.J. East Road. There was no one present in opposition. Commissioner Gasaway made a motion to approve the withdrawal. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a request from Marbin Properties LLC to withdraw a rezone request from A-1 to R-1 w/ open space conservation overlay on 25.00 acres located on

Pleasant Valley Road. David Yarbrough spoke in opposition to the rezone, presenting a plat showing the proximity of the effected property to his property. Commissioner Palmer made a motion, seconded by Commissioner Atha, to approve the withdrawal. All voted in favor.

The Board considered a Planning Commission recommendation to deny a rezone request from A-1 to R-1 w/ 2400 overlay for Alan Ridgeway. The effected property is located on Liberty Hill Church Road and is further identified on WC Tax Map C 77, Parcels 28 & 29. The purpose of the request is to rezone 31.470 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Bill Crecelius, attorney for the applicant, came before the Board in support of the rezone. Milton Lemonds and Christine Tarrer, speaking on behalf of residents on Liberty Hill Church Road, spoke in opposition to the rezone, citing inconsistency with the surrounding area and the negative impact septic tanks will have on the area as reasons for opposition. Mr. Crecelius, in rebuttal, stated that the request is consistent with the Land Use Plan. Chairman Little closed the public hearing on the matter. Commissioner Gasaway asked Ms. Tarrer for a copy of a market study, which Ms. Tarrer had cited while addressing the Board. Commissioner Ayers asked those present about complaints that have been made against the Planning & Development Department. Robin Pandolfi, Phil Lanier and Bill Lashley expressed concerns regarding various issues. Planning & Development Director Mike Martin addressed the various issues. Commissioner Gasaway stated that she had listened carefully to both sides and understands that there are a lot of concerns about development issues which are really not anything that can be considered as part of this rezone request. She stated that she had reviewed all of the information and had gone out and looked at the property. She stated that she realizes that the Land Use Plan does indicate that the area is high density. She stated that her concern is that the Land Use Plan is a plan that goes out to 2025 and at this time it does not appear to her that the density of the proposal complies with the Land Use Plan. Commissioner Gasaway made a motion to uphold the decision of the Planning Commission to deny this request. Commissioner Atha seconded the motion. After further discussion, Commissioners Ayers, Gasaway, Palmer and Atha voted in favor of the motion. Commissioner Robinson abstained. The motion carried.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 w/2400 overlay for Rick Wages Ent. LLC. The effected property is located on Emmett Still Road and is further identified on WC Tax Map C 29, Parcels 48 & 49. The purpose of the request is to rezone 10.75 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Rick Wages 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 Ayers to approve the rezone. All voted in favor.

Commissioner Atha made a motion, seconded by Commissioner Gasaway, to accept the following rights of way: Breedlove Springs Subdivision – Breedlove Springs Court, Highgrove Subdivision – Highgrove Drive & Highgrove Court, The Fairwinds Subdivision – Fairwinds Drive & Fairwinds Court. All voted in favor.

The Board considered a request from Rob Watts to waive curb & gutter requirements on Midway Estates, a proposed development on Old Monroe Madison Hwy. John Brewer of Brewer & Dudley came before the Board to explain the request. Mr. Watts agreed to sod the bottoms of the ditches and to grass the back slope. Commissioner Palmer made a motion to waive the curb & gutter requirements as requested with the stipulation the bottom of the ditches will be sodded. Commissioner Atha seconded the motion. Commissioners Gasaway, Palmer, Atha and Robinson voted in favor of the motion. Commissioner Ayers opposed the motion. The motion carried 4-1.

Planning Director Mike Martin recommended the Board defer a decision on re-adoption of the Walton County Land Development Ordinance in its entirety with items 3 & 4 only as shown on Errata Sheet dated 2/4/05 until such time as the other proposed amendments come before the Board. Commissioner Robinson made a motion, seconded by Commissioner Atha, to defer a decision on the matter for 30 days. All voted in favor.

EMS Director Nancy Couch presented bids received for an ambulance and an ambulance remount. Ms. Couch recommended acceptance of the bids from Peach State Ambulance, Inc. Commissioner Robinson made a motion to accept the bids from Peach State Ambulance. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Palmer presented a request from the Jackson & Bush families to open up and maintain a section of A.B. Martin Road that is approximately 1000 ft. in length. He stated that family made the request that the road be opened up so that they can develop the property. Andy and Lee Malcom spoke in support of the request. After lengthy discussion, Commissioner Palmer made a motion to open the road up to provide access to the property to keep it from being landlocked and to spend the minimum amount of money possible to do this, clearing the road enough that the property owner can gain access to the property. County Attorney Ken Lander explained the term landlocked and stated that the property is not landlocked because it can still be accessed for the use of the property as it has been used for many years. After further discussion, Commissioner Palmer restated his motion to go down there and open up the road enough so that the property owners can gain access to the property at a minimum cost. Commissioner Atha seconded the motion. Commissioners Palmer and Atha voted in favor of the motion. Commissioners Ayers, Gasaway, Robinson and Chairman Little opposed the motion. The motion failed 4-2. Chairman Little stated that he would instruct the Roads & Bridges Department to get a cost estimate to open the road up.

County Attorney Ken Lander presented a consent order and settlement agreement in the lawsuit styled Verizon Wireless (VAW), LLC vs. Walton County, Georgia et al. Commissioner Ayers made a motion to approve, under protest, authorizing the County Attorney to execute the documents on behalf of the Board. Commissioner Atha seconded the motion; voted and carried unanimously.

At 8:15 p.m., Commissioner Gasaway 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

VICKIE M. GASAWAY, DISTRICT 3

LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5

JOHN ROBINSON, DISTRICT 6