

June 7, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, June 7, 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, Gerald Atha and John Robinson, County Clerk Leta Talbird, Associate County Attorney Bill Childers, Financial Officer Christie Pickens 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 Palmer was out of town and did not attend the meeting.

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 Robinson seconded the motion. All voted in favor.

The Board considered a request from George Walton Academy for the County to participate in the Michael Etchison Road widening project. Chairman Little presented estimates for the cost of asphalt for the Board's consideration. Commissioner Atha made a motion to participate in the project in an amount not to exceed \$80,250.00. Commissioner Robinson seconded the motion. All voted in favor.

Central Communications Director Wendra Williams presented a maintenance contract with Milner Voice & Data for the voice recorder and playback at the 911 Center. Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to approve the agreement. All voted in favor.

Ms. Williams presented the annual maintenance agreement with Motorola for the County's radio system. Commissioner Turner made a motion, seconded by Commissioner Atha, to approve the agreement. All voted in favor.

Assistant EMA Director Melanie Byer presented a request to apply for an Adequate Fire and Emergency Response (SAFER) grant for the Fire Department. Ms. Byer presented cost figures for the Board's review. Commissioner Turner made a motion to approve the application. Commissioner Ayers seconded the motion; voted and carried unanimously.

Associate County Attorney Bill Childers presented a Wetlands Covenant and Agreement for West Walton Park. Commissioner Turner made a motion to approve the agreement and covenant. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to deny a rezone request

from A-2 to B-2 for Scott Smith. The effected property is located at Hwy. 81 and Brookview Drive and is further identified on WC Tax Map N51D, Parcel 1. The purpose of the request is to rezone .038 acres, which is a 5 ft. strip along Brookview Drive, to incorporate with existing B-2 property. Chairman Little opened the public hearing on the matter. Scott Smith came before the Board in support of the rezone. Mr. Smith presented photographs of the property and the proposed location of the driveway. Mr. Smith stated that the proposed use of the property was for office/warehouse. Clyde Byers and Robyn Arelt spoke in opposition, citing an increase in traffic congestion on a residential road. Mr. Byers presented a petition with signatures of residents of Brookview Manor who are opposed to the rezone. Mr. Byer stated that a landscape company across the street has cut a driveway onto Brookview Drive and there is a used truck lot with usually 1 to 5 vehicles there for sale. Mr. Byers also stated that there is already a water runoff problem in the residents' yards. Ms. Arelt stated that the developer of Brookview Manor had retained the 5 ft. strip in question and had sold it later, although the residents were led to believe that the strip would be retained as a barrier. Chairman Little closed the public hearing on the matter. Commissioner Gasaway asked Planning Director Mike Martin to address the issue of the landscaping company driveway. Mr. Martin stated that the driveway was not permitted and that the Planning Department would address the matter. Commissioner Gasaway inquired about the used vehicles in the yard on Brookview Drive. Mr. Martin stated that in the past a letter was sent to the owner requiring that the vehicles be removed. He stated that the Planning Department would send another letter and have the vehicles current on the property removed. Mr. Martin stated that there would be a full hydrology study done to address future water problems. Commissioner Turner asked if there is any recourse for the property owners to go to court to remedy the matter permanently. Associate County Attorney Bill Childers stated that the passage of time since the property owners bought from the developer may prohibit recourse. After further discussion, Commissioner Gasaway stated that although the opponents have a legitimate concern, based on her understanding of what the County Attorney and Planning Director Mike Martin have said, the Board has no justification, according to the Ordinance, to deny the rezone, but that she wants to have some restrictions to at least provide some protection. Commissioner Gasaway made a motion to approve the rezone with the stipulations that the driveway will be located as shown on the site plan, which is indicated further up than the current commercial driveway, that there will be no docks installed in the storage businesses, that a sign will be posted that will indicate that no trucks will be allowed to come through Brookview Drive during school taking in or letting out, that the owner constructs a sidewalk on the other side of Brookview Drive and that the retention pond will be maintained pursuant to the development requirements as determined by the Planning & Development Office. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from B-1 to M-1 for Donna Shave. The effected property is located at 1204 E Nathan Boulevard and is further identified on WC Tax Map C 44, Parcel 13 H. The purpose of the request is to rezone 1.00 acres for an electronic installation business. Chairman Little opened the public hearing on the matter. Planning Director Mike Martin

presented 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 Turner, to approve the rezone. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 w/ 2,400 Overlay for Kenneth Braswell & David Gibson. The effected property is located on Sharon Church Road and is further identified on WC Tax Map C 12, Parcel 36. The purpose of the request is to rezone 16.20 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. Kenneth Braswell 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 Turner made a motion to approve the rezone, conditioned upon minimum 2,400 sq. ft. houses with either brick or hardy plank siding. Commissioner Ayers seconded the motion. Commissioners Ayers, Turner, Gasaway and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 4-1.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 for Yarko Foltyn. The effected property, owned by Youth Athletic Rec. Co., LLC, is located on Kristins Way and is further identified on WC Tax Map C 51, Parcel 109A. The purpose of the request is to rezone 1.047 acres for one residential lot. Chairman Little opened the public hearing on the matter. Yarko Foltyn 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 Gasaway 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 land use designation change from high density residential to commercial and a rezone request from A-1 to B-3 for cemetery expansion and funeral home on 4.7 acres for Richard M. Johnson. The effected property, owned by Franklin E. Hendrix, is located on Hwy. 81 and is further identified on WC Tax Map C 51, Parcel 189. Chairman Little opened the public hearing on the matter. Richard Johnson 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 land use designation change and rezone as requested. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a land use designation change from high density residential to commercial and a rezone request from R-2 to B-2 for commercial use on 3.215 acres for West Walton Properties. The effected property is located on Hwy. 81S and is further identified on WC Tax Map C 21, Parcel 7. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. Mr. Rosenthal reserved the applicant's Constitutional rights, for the record. He presented photos of comparable buildings. Commissioner Turner inquired if the traffic issue had been addressed. Mr. Rosenthal stated that GDOT did not specify any concerns. Planning

Director Mike Martin stated that if the rezone is approved, he will send the plan to GDOT and will require the developer to comply with any recommendations. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the land use designation change and rezone contingent upon GDOT definitely being involved. Commissioner Robinson seconded the motion. Commissioners Turner, Gasaway, Atha & Robinson voted in favor. Commissioner Ayers abstained. The motion carried 4-0.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 & R-1 OSC to R-1 w/ Open Space Conservation Overlay for Meridian Corporation. The effected property, owned by Walter Wolfe, is located on Ho Hum Hollow Road and is further identified on WC Tax Map C 62, Parcel 11. The purpose of the request is rezone 42.00 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. Mr. Rosenthal stated that a Constitutional rights letter was tendered at the Planning Commission meeting. He stated that the applicant has no problem complying with previous conditions placed on the rezone of the adjoining property at the December 7, 2004 meeting. He stated the effected property is being combined with the adjoining parcel, for a total yield of 91 lots. Ed Garrett came before the Board with concerns because his poultry farm is next door to the property. Commissioner Ayers stated that there would be notations put in the deeds stating that there is a working farm next door. Chairman Little closed the public hearing on the matter. Chairman Little stated that 91 lots gets close to requiring a center turn lane on Ho Hum Hollow Road. Planning Director Mike Martin stated that the Board could stipulate that the center turn lane will be required, if feasible. Commissioner Ayers made a motion to approve the rezone conditioned upon single story houses being a minimum of 1,800 sq. ft., 2-story houses being a minimum of 2,200 sq. ft., notations on the deeds that there is a working farm next door, sidewalks, streetlights and that a center turn lane will be installed along with the required decel lane. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 4-1.

The Board considered a Planning Commission recommendation to approve a rezone request from B-2 to B-3 for Randal Yates. The effected property is located at 5723 Hwy. 138 and is further identified on WC Tax Map C 30, Parcel 184. The purpose of the request is to rezone 3.41 acres to allow for a grading business. Chairman Little opened the public hearing on the matter. Randal Yates came before the Board in support of the rezone and asked the Board to also grant a variance removing the transitional buffer requirement. 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 and the variance as requested. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to B-3 for Dan Moran. The effected property, owned by Ted & Betty Petrides, is located at 2985 Hwy. 78 E and is further identified on WC Tax Map C 44,

Parcel 37. The purpose of the request is to rezone 1.739 acres for playground equipment, shed and wood furniture sales. Chairman Little opened the public hearing on the matter. Dan Moran 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 Turner, to approve the rezone. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from B-1 to B-3 for Barry White. The effected property is located at 5443 Hwy. 138 and is further identified on WC Tax Map C 30, Parcel 198. The purpose of the request is to rezone 2.82 acres for an HVAC contractor office. Chairman Little opened the public hearing on the matter. Barry White came before the Board in support of the request. Mr. White requested the Board to refund the application fee on the rezone, stating that the property has been used for this type of business for a number of years, but no longer complies with the zoning designation. 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 and to approve the refund as requested. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from B-2 to B-3 for Barry White. The effected property is located at 5744 Hwy. 138 and is further identified on WC Tax Map C 31, Parcel 2. The purpose of the request is to rezone 3.16 acres for commercial use. Chairman Little opened the public hearing on the matter. Barry White 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 Gasaway made a motion to approve the rezone. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a request from Alecia F. Robertson for a land use designation change from medium density residential to office/professional and a rezone from A-2 to O-I. The effected property is located at 2210 Hwy. 11 and is further identified on WC Tax Map C 86, Parcel 21. The purpose of the request is to change the land use designation and rezone 7.34 acres for a daycare center and an assisted living facility. Chairman Little opened the public hearing on the matter. The applicant, Alecia Robertson, and her attorney, John Stell, came before the Board in support of the request. Mr. Stell reserved the applicant's Constitutional rights, for the record. Commissioner Atha recused himself from consideration of the matter. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Planning Director Mike Martin recommended that a condition be placed on the rezone that a joint access drive will be provided if the small lots on the front of the property are developed in the future. Commissioner Robinson made a motion to approve the request, pursuant to the recommendation of the Planning Director. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway and Robinson voted in favor of the motion with Commissioner Atha abstaining. The motion carried 4-0.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a guesthouse for John S. Malone. The effected property is located at 3315 Old Monroe Madison Hwy. and is further identified on WC Tax Map C 183, Parcel 20. Chairman Little opened the public hearing on the matter. John Malone 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 Atha made a motion to approve the Conditional Use with the condition that neither residence will be used as rental property. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a guesthouse for Johnny W. Page. The effected property is located at 5241 Gum Creek Court and is further identified on WC Tax Map N29C, Parcel 10. Chairman Little opened the public hearing on the matter. Johnny Page 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 Conditional Use with the condition that neither residence will be rented. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to accept the following rights of way on subdivision roads: Oakland Park Subdivision – Oakland Park Drive and Creekwood Estates II – Stoney Creek Way. All voted in favor.

Associate County Attorney presented bids received for the refinance of the ACCG Master Lease collateral. Commissioner Turner made a motion to accept the low bid from Athens First Bank. Commissioner Atha seconded the motion; voted and carried unanimously.

At 8:00 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.

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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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VICKIE M. GASAWAY, DISTRICT 3

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GERALD ATHA, DISTRICT 5

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JOHN ROBINSON, DISTRICT 6