

August 2, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, August 2, 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 and Gerald Atha, County Clerk Leta Talbird, County Attorney Ken Lander 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 Robinson did not attend the meeting due to a prior commitment.

Chairman Little called the meeting to order at 6:12 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. Commissioner Gasaway seconded the motion. All voted in favor.

The Board considered County Attorney Ken Lander's monthly invoice. Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve payment of the invoice. All voted in favor.

Commissioner Gasaway stated that the problems with the kitchen cooling at the Walton County Senior Citizens Center have been corrected and the Board did not need to take any action on the matter.

County Attorney Ken Lander presented a letter sent to Bobby Boss of the Loganville American Legion regarding the details of the donation of funds for construction of a baseball stadium at West Walton Park. Recreation Director Jody Johnson presented a budget proposal for the project. Commissioner Turner made a motion to approve the details outlined in the letter and to authorize Chairman Little to execute the contract once prepared by the County Attorney. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 with OSC Overlay for Hires Property. The effected property, owned by Douglas Klein, is located on P.J. East Road and is further identified on WC Tax Map C 78, Parcel 3. The purpose of the request is to rezone 15.18 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Mike Dove, representing Hires Properties, came before the Board in support of the rezone. He stated that the applicant has changed the rezone request to A-1 to R-1 with 2400 Overlay. Rod Trahan spoke in opposition to the rezone. He asked those in attendance who were opposed to the rezone to stand. He stated that the opposition was concerned about density and lot sizes and that the proposed development is inconsistent with the surrounding area. Shannon Bailey spoke in opposition, stating that she is

concerned about dogs and kids interacting with farm animals, the application of insecticides and other chemicals from 50 plus new homes effecting the aquifer. Planning Director Mike Martin described the buffer and setback requirements for Open Space Conservation Overlays, 2400 Overlays and straight R-1s. Mr. Martin stated that issues regarding wells are within the Health Department's purview. County Attorney Ken Lander stated that environmental issues, especially ones dealing with septic tanks and those types of things are outside of the Board's control because they are State issues and the Board is preempted by State Law in dealing with those issues. Chairman Little closed the public hearing on the matter. Commissioner Gasaway stated that she has been looking at the situation for a couple of months with the change that has been proposed and that she appreciates what Mr. Hires did with the 2,400 sq. ft. homes and thinks that will be more in line with what is in the current area. She stated that she has concerns with the density issue the way it is right now. She stated that she investigated the information that she had and that there are no lots in the area that are less than one acre. Commissioner Gasaway made a motion to approve the rezone as a straight R-1 with 2,400 sq. ft. homes and the front of the homes with brick and hardy plank siding. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for church cemetery expansion on 2.691 acres located on Hwy. 81 North for East Atlanta Properties. The effected property is further identified on WC Tax Map C 35, Parcel 4 Split. Chairman Little opened the public hearing on the matter. David Willett of East Atlanta Properties came before the Board in support of the request. He stated that he plans to donate the property to Shiloh Baptist Church. Ken Still of Shiloh Baptist Church expressed concern as to why Mr. Willet called the request cemetery expansion when the church has no plans to expand its cemetery. Mr. Still requested Mr. Willet provide a survey of the church property including the donated property. Mr. Willet agreed to provide the church with a survey. There was no one present in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the Conditional Use. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a land use designation change from high density residential to commercial and a rezone from B-2 to B-3 for Helen Patricia Drozak. The effected property is located at 6110 Ga. Hwy. 20 and is further identified on WC Tax Map C 9, Parcel 6 Split. The purpose of the request is to change the land use and rezone 2.00 acres for an auto body collision repair service and auto restoration/repair service. Chairman Little opened the public hearing on the matter. Shirley Riley came before the Board on behalf of the applicant. There was no one present in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve the land use designation change and rezone as requested. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 with variance for Jack Calhoun. The effected property is located at 1148 John

Deere Road and Mountain Creek Church Road and is further identified on WC Tax Map C 121, Parcel 94B. The purpose of the request is to rezone 3.39 acres with a variance on minimum lot width to split the property to allow one additional house. Chairman Little opened the public hearing on the matter. Linda Calhoun 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 rezone and variance as requested. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from B-2 to B-3 for Tom Singleton. The effected property is located on Brookview Drive at Hwy. 81 and is further identified on WC Tax Map C 51, Parcel 191. The purpose of the request is to rezone 5.195 acres to allow more commercial uses. Chairman Little opened the public hearing on the matter. Tom Singleton 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. After further discussion, Commissioner Gasaway made a motion to approve the rezone with the conditions that automotive or equipment repair will not be allowed in the B-3 zoning and the applicant will upgrade the current standards at the intersection of Brookview Drive and Hwy. 81 per GDOT. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 GS for Central Georgia Development Group. The effected property is located on Bullock Bridge Road and is further identified on WC Tax Map C 59, Parcels 44 & 90A. The purpose of the request is to rezone 49.00 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. David Willett came before the Board in support of the rezone. Mr. Willett submitted a letter preserving the applicant's Constitutional rights. 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 rezone. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 & A-2 to R-1 with OSC Overlay for A. Fortner Construction Co., Inc. The effected property, owned by Ronald H. Smith and Shirley F. Smith, is located on Hudson Road and is further identified on WC Tax Map C 34, Parcels 7, 8, 9 & 10. The purpose of the request is to rezone 58.52 acres for a residential subdivision. Commissioner Ayers recused himself on the matter. 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 referenced a Constitutional rights letter dated June 28, 2005 filed with the Planning & Development Office. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone conditioned upon a traffic study being conducted. Commissioner Gasaway seconded the motion. Commissioner Turner amended his motion to condition the rezone requiring a play area to be included. Commissioner Gasaway seconded the amended motion. Commissioners Turner,

Gasaway, Palmer and Atha voted in favor. Commissioner Ayers abstained. The motion carried.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with OSC Overlay for Capitol Development Company. The effected property, owned by Charlene F. Staffins and Ralph Staffins, is located on Guthrie Cemetery Road and is further identified on WC Tax Map C 53, Parcel 2. The purpose of the request is to rezone 51.2 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. Greg Staffins came before the Board in support of the request. John Caye, an adjacent property owner, spoke in opposition. Mr. Caye presented a list of concerns to the Board, which included asking that he be treated with respect in regards to the development while under construction and each builder be advised of his property rights and rights claimed in the agreed buffer zone. In rebuttal, Mr. Staffins discussed Mr. Caye's concerns, stating that he has volunteered to plant Leyland cypress on all three borders of the Caye property and will self enforce as many issues as possible without overstepping his bounds. Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion to approve the rezone with the conditions that the houses will be a minimum of 2,000 sq. ft., 5 gallon Leyland cypress will be planted at the edge of the buffers where the property meets the Caye property and that trees will be marked at the edge of the buffer. 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 2400 Overlay for Harrison Construction. The effected property, owned by Thomas Lee, Shirley M. Harrison & J.P. Harrison, is located at 5958 Centerhill Road and Sandy Creek Road and is further identified on WC Tax Map C 11, Parcels 31 & 32. The purpose of the request is to rezone 56.129 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. David Harrison came before the Board in support of the request. Sheryl Ford spoke in opposition, stating that she is concerned about the safety of the proposed entrance off of Sandy Creek Road. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone conditioned upon 2,400 minimum sq. ft. all brick homes as currently laid out and if the development requires E.P.D. or D.N.R. approval, that they will be involved and if that changes, the applicant will have to come back before the Board. Commissioner Ayers seconded the motion. 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 a rezone from A-1 to R-1 with OSC Overlay for James Owens and Claude Givens. The effected property, owned by Dorothy Brown, is located on Fannie Thompson Road and is further identified on WC Tax Map C 85, Parcel 27. The purpose of the request is to change the land use and rezone 42.920 acres for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. James Owens and Claude Givens 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 asked Planning Director

Mike Martin to address the proposed land use designation as it relates to surrounding properties. Commissioner Atha stated that he concurs with the Planning & Development Staff recommendation and made a motion to deny the request. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to deny a land use designation change from high density residential to medium density and rezone from A-1 to A on 6.05 acres for Leah Spitzer. The effected property, owned by Carl and Wanda Long, is located at 7078 Ga. Hwy. 81 and is further identified on WC Tax Map C 58, Parcel 20. The purpose of the request is to change the land use and rezone 6.05 acres for a commercial kennel. 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 provided at the Planning Commission meeting. Mr. Rosenthal presented a packet of support letters and information regarding conditions and limitations of the proposed operation. He also presented photographs of the applicant's current business. Bob Poynter, owner of property located directly behind the effected property, spoke in opposition, representing 16 homeowners in the area. He stated that barking dogs is the most major issue. Russ Flenner spoke in support of the applicant regarding the applicant's training of service dogs. Chairman Little closed the public hearing on the matter. Commissioner Turner stated that changing the land use designation on this property is spot zoning and that once it has been changed, the next person requesting a change will be given justification to leapfrog. Commissioner Gasaway concurred with Commissioner Turner. Commissioner Ayers made a motion to deny the request based on the Land Use Plan, stating it would be spot zoning. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to deny a land use designation change from high density to Office/Professional and rezone from A-1 to O-I for William D. & Peggy Still. The effected property is located on Moina Michael Road and is further identified on WC Tax Map C 193, Parcel 37 Split. The purpose of the request is to change the land use and rezone 3.0 acres for a catfish restaurant. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicants, came before the Board in support of the request. Mr. Rosenthal stated that a Constitutional rights letter was submitted at the beginning of the process. Mr. Rosenthal stated that the requested use is very light commercial. He presented a tax map compilation for the Board's review and a list of area residents who support the request. Robert Payne, Becky Gregory and David Gilreath spoke in opposition to the request. Mr. Payne stated that he doesn't want a commercial restaurant where they live out in the country. Mr. Gilreath stated that the request would be spot zoning. Mr. Rosenthal, in rebuttal, stated that the applicant is willing to condition the approval of the request on no alcohol sales. He stated that the restaurant would be open only 15-20 hours per week on Thursday, Friday and Saturdays from 5:00 p.m. until 10:00 p.m. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to deny the request because it would change the Land Use Plan. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to deny a rezone request from A-1 to A-2 with OSC Overlay for Central Georgia Development Group. The effected property is located on Alcovy Station Road and is further identified on WC Tax Map C 80, Parcel 37. The purpose of the request is to rezone 62.00 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. David Willett of Central Georgia Development Group came before the Board in support of the rezone. Mr. Willett presented a Constitutional rights letter for the record. He also presented a revised plat for the Board's review. He stated that the plat presented at the Planning Commission meeting was not accurate. Gene Ensminger, Dale Wiley and Allen Whitley spoke in opposition. Mr. Ensminger asked those present in opposition to stand. Reasons for opposition included the proposed development's density is out of proportion with the surrounding area, protection of the water supply and safety of the entrance and exit. Chairman Little closed the public hearing on the matter. Commissioner Gasaway stated that although she likes the open space in the proposal, she can't get beyond the fact that everything else in the area is on 2-acre lots. Commissioner Gasaway made a motion to deny the request based on the Planning Commission recommendation. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to deny a rezone request from A-2 to R-1 with OSC Overlay for Central Georgia Development Group. The effected property, owned by Cecil and Gwynne Hodge, is located on Harrison Shoals Road and is further identified on WC Tax Map C 2, Parcels 83, 84, 85 & 87. The purpose of the request is to rezone 61.00 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. David Willett of Central Georgia Development Group came before the Board in support of the rezone. He presented a Constitutional rights letter for the record. Mr. Willett presented a list of conditions agreed upon by the applicant. Richard Sires and Robert Braden, representing a group of concerned property owners, spoke in opposition to the rezone. Jim Wallace, Don Usher and Dean Cox also spoke in opposition, citing concerns about protecting the watershed, septic tanks degrading the well water and increased traffic as reasons for opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner inquired of Planning Director Mike Martin if the watershed issues have been addressed. Mr. Martin stated that in an agreement with Rockdale County, the watershed issues were addressed by the underlying zoning, which dictates lot sizes. Commissioner Turner stated that the proposed development backs up to property that is already developed and that there are several others in the area. Commissioner Turner made a motion to approve the rezone with the restrictions listed on the sheet provided by the applicant, with item No. 6 being changed to lap siding. The conditions are as follows: Subdivision to have no more than 55 lots, minimum lot width to be 115 feet except for lots located in the curves or cul-de-sacs, minimum heated square footage to be 2000 on all residences, minimum building side set back to be 15 feet on all lots except cul-de-sac lots, minimum roof pitch to be 9/12 on all structures, homes to have a minimum of 75% brick/stone front with lap siding, vinyl siding not allowed on any structure, front lawns to be sod, the 100 foot natural buffer along Harrison Shoals Road to be non-disturbed except for the entrance monument/landscaping and the planting of Leyland cypress for a privacy screen, Leyland

cypress to be planted at the rear of the 100 foot buffer adjacent to the residential lot lines and entrance to have brick/stone monument with sod landscape. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board held a public hearing on the abandonment of right of way on Shannon Road. There was no one present in opposition. Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to abandon the right of way on Shannon Road given by William & Charlotte George. All voted in favor.

The Board considered a Jail Reimbursement Fee Agreement with Gwinnett County. Commissioner Palmer made a motion, seconded by Commissioner Ayers, to approve the agreement. All voted in favor.

The Board considered a Supplemental Agreement with GDOT for Project PR000-S007-00(021) – Improvements on Ga. Hwy. 81 at Youth Middle School. The supplemental agreement increases the State funding for the project. Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve the supplemental agreement. All voted in favor.

County Attorney Ken Lander read aloud a statement which he prepared regarding the County's position on eminent domain. Commissioner Ayers made a motion to amend the agenda to include a decision on the statement. Commissioner Atha seconded the motion; voted and carried unanimously. Commissioner Ayers made a motion to approve the statement and to issue it to the press. Commissioner Atha seconded the motion; voted and carried unanimously.

At 9:40 p.m., Commissioner Atha made a motion, seconded by Commissioner Gasaway, to enter into executive session to discuss litigation. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor.

At 10:30 p.m., Commissioner Turner made a motion, seconded by Commissioner Ayers to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor. No votes were taken in executive session.

At 10:31 p.m., Commissioner Gasaway made a motion to adjourn the meeting. Commissioner Turner seconded the motion. 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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LAMAR PALMER, DISTRICT 4

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GERALD ATHA, DISTRICT 5