

January 3, 2006

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, January 3, 2006 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 Karen Fraser, 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.

Lynn Turner, a volunteer at the Walton County Animal Control Shelter, made a presentation asking the Board to fund a new shelter.

Chairman Little called the meeting to order at 6:21 p.m. and led those present in the Pledge of Allegiance. Commissioner Gasaway opened the meeting in prayer.

Commissioner Robinson made a motion to remove Item 15.02 – Reclassification from Office Manager – Planning & Zoning Administration to Associate Director – Planning & Development from the agenda. Commissioner Atha seconded the motion. Commissioners Ayers, Gasaway, Palmer, Atha & Robinson voted in favor of the motion. Commissioner Turner opposed the motion the motion carried 5-1.

Commissioner Robinson made a motion to adopt the agenda. Commissioner Gasaway seconded the motion. All voted in favor.

Commissioner Ayers made a motion to table the following items until the next meeting: 7.01 Walton County Water & Sewerage Authority Lease & Transfer Agreement, 7.02 Proposed salary structure for WCWSA acquisition & 7.03 Proposed Walton County Water Department FY 2006 Operating & Capital Budgets. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Atha made a motion to approve withdrawal of a request for a Conditional Use for a church at 1984 Emmett Doster Road for Glenwood Hills Church. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a guesthouse for Scott & Kimberly Walls. The effected property is located at 1532 Jersey Social Circle Road and is further identified on WC Tax Map C 79, Parcel 28. Chairman Little opened the public hearing on the matter. Scott Walls 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 the guesthouse cannot be rented.

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 from A-1 to B-2 with a variance to reduce the transitional buffer from 50 ft. to 25 ft. on 2.00 acres for a daycare center for Jeff Crowe. The effected property, owned by Louie Crowe, is located on Centerhill Church Road and is further identified on WC Tax Map C 51, Parcel 112 Split. Chairman Little opened the public hearing on the matter. Jeff Crowe came before the Board in support of the request. Mr. Crowe stated that he was only making the request for a 2-acre tract because he did not want to pay commercial property taxes on the remainder of the tract until he develops it. Commissioner Ayers stated that the Board would be sitting a commercial property right in the middle of residential property. Commissioner Gasaway asked Planning Director Mike Martin what the basis was for the Department's approval. Mr. Martin stated that just like most parcels in the County, it was all A-1 and this is still the parent parcel that the convenience store, strip center and cell tower came out of. He stated that these parcels have been rezoned to commercial as they found a buyer for that property. He stated that the recommendation was based on the proximity of the property to the intersection, that it is located directly across the street from the school, the fact that there is a cell tower behind it and that there is a strip center with automotive repair and various heavy uses in it that are actually within about 300 ft. of this parcel itself. Mr. Martin stated that the Department did not feel that any of the remaining land would be conducive to any type of residential development. 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 Land Use Designation change from high density residential to commercial with the condition that the property that is contiguous to this will be properly advertised and brought back to the Planning Commission for a Comprehensive Land Use Map change and consideration by the Board of Commissioners at the appropriate time. She further moved to approve the rezone from A-1 to B-2, reducing the transitional buffer from 50 ft. to 25 ft. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to A for H.L. Harris Family Partnership LLLP. The effected property is located on Emmett Doster Road and is further identified on WC Tax Map C 84, Parcel 19. The purpose of the request is to rezone 12.00 acres for greenhouses and a nursery. 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 letter preserving the applicant's Constitutional rights, which had been submitted for the record. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion, seconded by Commissioner Palmer, to approve the rezone. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from B-1 to B-3 for Larry J. Ross. The effected property is located at 2511 Ga. Hwy. 278 and is further identified on WC Tax Map C 158, Parcel 15. The purpose of the request is to

rezone .614 acres for a roofing company. Chairman Little opened the public hearing on the matter. Danni Fliss, 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 condition that structures within the right of way will be moved and that no other structures can be built in that area. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a Land Use Designation change from commercial to industrial and a rezone from B-1 to M-1 for Rodney Harrison. The effected property is located on Karlee Boulevard and is further identified on WC Tax Map C 49, parcel 19S. The purpose of the request is to change the land use and rezone 1.1 acres for a concrete foundation business. Chairman Little opened the public hearing on the matter. Rodney Harrison 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 Land Use Designation change and the rezone. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Land Use Designation change from low density residential to commercial and a rezone from B-1 to B-3 for Donnie & Susan Earnest. The effected property is located at 4365 Jersey Walnut Grove Road and is further identified on WC Tax Map C 66, Parcel 9. The purpose of the request is to change the land use and rezone 2.5 acres for an existing auto collision repair and wrecker service. 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 presented pictures of the existing business for the Board's review. He stated that a letter preserving the applicant's Constitutional rights had been filed in the Planning & Development Office. Mr. Rosenthal also requested a refund of the application fee. Mr. Rosenthal stated the applicant is willing to have the rezone conditioned on only uses in the existing B-1 classification and the existing use of auto collision repair and wrecker service. He stated that the applicant is requesting a variance reducing the 100 ft. setback requirement in a residential district to the existing setback. There was no one present opposition. Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion to approve the Land Use Designation change and rezone to B-3 for the existing auto collision repair and wrecker service and any existing uses for B-1 will be acceptable. She further moved to approve a variance for the existing setback. Commissioner Turner seconded the motion. All voted in favor. ** Later in the meeting, Attorney Rosenthal reminded the Board of the applicant's request for refund of the application fee. Commissioner Gasaway made a motion, seconded by Commissioner Ayers, to approve the refund. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 & R-1 PUD to R-1 with Open Space Conservation Overlay for Lilburn Developers, Inc. The effected property, owned by Roddy Sturdivant, is located on Loth

Wages Road and Ralph Still Road and is further identified on WC Tax Map C 57, Parcel 33 & C 58, Parcel 93. The purpose of the request is for a single-family 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 referenced a letter submitted to the Planning & Development Office preserving the applicant's Constitutional rights for the record. He stated that the applicant is willing to provide recreational areas, sidewalks on both sides and improvement to Ralph Still Road. Mr. Rosenthal addressed a landlocked parcel of property containing 18 acres, stating that the applicant will provide a 50-ft. wide out parcel connecting the parcel to a county road. He added that portions of the property back up to Gwinnett County on property that is slated to be a park. He stated that the applicant would set aside a 25-ft. walking access (path) into the park area. Chairman Little asked Mr. Rosenthal if the applicant is willing to do improvements on Bold Springs Road, with all the new houses and all the cars dumping out on one of the highest traveled roads in the county. He stated that one of his major concerns is putting this many cars in and out of the development onto a high speed travel way on a daily basis during peak hours. Chairman Little stated that he would like to see a center turn lane in Bold Springs Road. Mr. Rosenthal stated that the applicant is not willing to do any improvements on Bold Springs Road because they believe it to be a system improvement and not a site improvement. Jimmy Parker of Precision Planning stated that Bold Springs Road is nearing capacity in some areas. Chairman Little stated that it concerns him that the Walton County taxpayers will be required to pay for road improvements that are not needed now but the day the houses are completed, will be needed. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. After further discussion, Commissioner Ayers made a motion to approve the rezone with the conditions that relocation and closing of roads will be worked out with Gwinnett County, that access to the park will be set aside so that the citizens in this development can access the park that is right next door to them, that the subdivision will be developed in no less than three phases and work on building lots on a new phase will not begin until one phase is 85 percent under construction; they can build their streets and they can put in the infrastructure, but building does not start on those lots until they are 85 percent on the last one. Commissioner Ayers further moved to condition the rezone on recreational areas being placed in the development. Commissioner Ayers stated that ethically, the developer should put a left turn lane in on Bold Springs Road. 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 proceed with public hearings and review of the land use map/plan. Planning Director Mike Martin stated that the review process would cost approximately \$27,000.00. Commissioner Ayers stated that the Board could consider budgeting for the review in the new budget year. Commissioner Robinson made a motion to table a decision on the matter. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Gasaway made a motion, seconded by Commissioner Robinson, to accept the flowing rights of way: Apalachee Estates – Apalachee Trail & Deere Ridge, Henderson Ridge Subdivision – Henderson Ridge Road, Henderson Ridge Lane, Mae’s Overlook, Jake’s Cove & Jake’s Landing, Oakmont Subdivision – Oakridge Avenue, Oakmont Way, Oakmont Drive, Oakridge Court & Oakridge Lane and Bradley Gin Subdivision – Lakeland Drive, Waterfront Court & Seclusion Trail. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve an annexation request for the City of Loganville – 18.3977 acres located at 895 & 883 Lee Byrd Road – Natcher Trace Developers, Michael E. Martin. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve, with reservations, an annexation request for the City of Loganville – 38.2 acres located on Sharon Church Road – JSH Development, Inc., Jeff Howard. All voted in favor.

Commissioner Atha made a motion, seconded by Commissioner Palmer, to approve an annexation request for the City of Monroe – 65.846 acres – Hwy. 78/Ga.Hwy. 10 – Monroe HMA, Inc. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve contracts and budgeted purchases of \$2,500.00 or greater as presented. All voted in favor.

Assistant Road Superintendent John Allman presented bids received on a Tandem Axel Dump Truck for the Roads & Bridges Department. Commissioner Gasaway made a motion to approve the bid from Peach State Ford in the amount of \$96,691.00. Commissioner Palmer seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to accept the low bid from Legacy Ford for a 2006 Ford Expedition or equivalent for the Sheriff’s Department. Commissioner Ayers seconded the motion. All voted in favor.

The Board discussed use of Special Local Option Sales Tax funds set aside for recreation in the unincorporated areas of the county to complete improvements at Felker Park. Financial Officer Christi Pickens reviewed the status of the S.P.L.O.S.T. funds with the Board. Recreation Director Jody Johnson presented a proposed budget for improvements at Felker Park. Commissioner Ayers made a motion to approve the expenditure of \$673,000.00 from the unincorporated S.P.L.O.S.T. funds and the rest from the interest earned on the S.P.L.O.S.T. with the agreement that we refund the \$673,000.00 either from this S.P.L.O.S.T. if it becomes available, if not then take it out of the next S.P.L.O.S.T. and that we do a justification between all three parks and make sure we spend the same on all three parks. Commissioner Ayers further moved that if the bids on items 1-7 of the proposed budget for the Felker Park improvements come in on or below the approved budget, the Chairman is authorized to approve the bids. Commissioner Robinson seconded the motion. Commissioners Ayers, Gasaway, Palmer, Atha and Robinson voted

in favor of the motion. Commissioner Turner abstained, stating that the Board does not have a good handle on the Felker Park budget or the future S.P.L.O.S.T. project. The motion carried.

Commissioner Turner made a motion to approve the County Attorney's bill. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve an FY 06 budget amendment for the Sheriff's Department HEAT grant. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve the 2006 payday schedule. All voted in favor.

Commissioner Gasaway made a motion to approve the Walton County Water & Sewerage Authority to operate on 1/12th of its FY05 budget each month through June 30, 2006. Commissioner Atha seconded the motion; voted and carried unanimously.

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

The Board considered a resolution setting the time, date & place of the regular meeting of the Board of Commissioners each month. Commissioner Turner made a motion to adopt a resolution to hold the monthly meetings on the first Tuesday of each month at 6:00 p.m., with the exception of July and September, which will be held on the second Tuesday of those months at 6:00 p.m. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a resolution reaffirming the \$1.50 E 911 charge on telephone subscribers served by the enhanced 911 system. Commissioner Atha made a motion to adopt the resolution. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Gasaway made a motion, seconded by Commissioner Atha, to appoint Leta Talbird as County Clerk for 2006. All voted in favor.

Commissioner Atha made a motion, seconded by Commissioner Robinson, to appoint Rhonda Hawk as Assistant County Clerk for 2006. All voted in favor.

Commissioner Ayers made a motion, seconded by Commissioner Atha, to appoint Bill Childers as Interim County Attorney. All voted in favor.

Commissioner Atha made a motion to appoint Bill Childers as Associate County Attorney for 2006. Commissioner Palmer seconded the motion; voted and carried unanimously.

Commissioner Atha made a motion to appoint John Robinson as Vice Chairman for 2006.

Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered agreements with the Georgia Department of Natural Resources for kids fishing events at Matthews Park Lake and West Walton Park Lake. Commissioner Gasaway made a motion to approve both agreements. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Turner made a motion to approve the Habitat for Humanity of Walton County, Inc. Community HOME Investment Program (CHIP) Policies and Procedures for housing assistance for new home construction activities. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Commissioner Gasaway made a motion, seconded by Commissioner Turner, to approve a Department of Juvenile Justice Purchase of Services Contract with Matt McClung. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve a software support agreement with Governmental Systems, Inc. for the County's tax appraisal system, personal property appraisal system, tax accounting system and mobile home system. All voted in favor.

The Board considered a request to abandon a portion of Old Braswell Road. Commissioner Atha made a motion, seconded by Commissioner Gasaway, to begin the abandonment process. All voted in favor.

At 8:14 p.m., Commissioner Turner made a motion to enter into executive session to discuss litigation and personnel issues. Commissioner Atha seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor.

At 9:08 p.m., Commissioner Turner made a motion, seconded by Commissioner Ayers, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor. No votes were taken while in executive session.

At 9:11 p.m., Commissioner Ayers made a motion, seconded by Commissioner Gasaway, 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