

March 7, 2006

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, March 7, 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, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Kirby Atkinson, Personnel Director Karen Fraser, Financial Officer Christi 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.

Recreation Director Jody Johnson presented the Walton County State Championship Basketball Team and presented the team and the Board of Commissioners with trophies.

Sheriff Joe Chapman recognized citizens Johnny Worley and Thomas Parker for helping save the life of a woman involved in an automobile accident.

Hubert Harris and Dottie Zazworsky of the William Harris Homestead Foundation gave a presentation on Harris Homestead and asked for the Board's support in having the Homestead placed in the Georgia Land Conservation Program. The Board took action on this request later in the meeting.

Members of the Walton County Chapter of the American Red Cross presented the Board with a framed print honoring the Red Cross.

Chairman Little called the meeting to order at 6:40 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 the addition of the Harris Homestead Foundation proposal. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a negotiated settlement and consent order in Case #Z05020003 – Alan Ridgeway, which was tabled at the February 7, 2006 meeting. Chairman Little opened the public hearing on the matter. Attorney Bill Crecelius, representing Alan Ridgeway, asked the Board to rezone the property based upon the finding that the existing zoning is unconstitutional. Mr. Crecelius reviewed the 13 conditions agreed upon in the proposed settlement and read them into the record as follows: 1. Maximum of 31 lots. 2. Minimum 2,400 square foot homes. 3. \$300,000.00 price point. 4. Pond with walking path on site. 5. Street trees (not planted on the right-of-way). 6. Brick mailboxes. 7. Sidewalks throughout neighborhood. 8. Underground utilities. 9. Mandatory Homeowners Association with Architectural Control Committee. 10. Applicant will comply with findings of the county traffic engineers regarding acceleration/deceleration lanes. 11. Minimum 100 foot set back on Lots #1 and #31. 12. A stone entrance on

Liberty Hill Church Road. 13. Open space set aside for the community in the pond area. Attorney Jonathan Weintraub, representing opponents Robert Michael Crone, Ben Garrett, Milton Lemon and other neighbors of the subject property, asked those present opposing the consent order to stand. He presented a map showing the current land use as developed and stated that the proposed development will be an intrusion into a pastoral, beautiful area. Mr. Weintraub stated that 31 additional homes will overburden the school system and will have a major impact on the surrounding properties. Phil Lanier also spoke in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the settlement and consent order with the following conditions: 1. Maximum of 31 lots. 2. Minimum 2,400 square foot homes. 3. \$300,000.00 price point. 4. Pond with walking path on site. 5. Street trees (not planted on the right-of-way). 6. Brick mailboxes. 7. Sidewalks throughout neighborhood. 8. Underground utilities. 9. Mandatory Homeowners Association with Architectural Control Committee. 10. Applicant will comply with findings of the county traffic engineers regarding acceleration/deceleration lanes. 11. Minimum 100 foot set back on Lots #1 and #31. 12. A stone entrance on Liberty Hill Church Road. 13. Open space set aside for the community in the pond area. Commissioner Atha seconded the motion. Commissioners Ayers, Turner and Atha voted in favor of the motion. Commissioners Palmer and Robinson and Chairman Little opposed the motion. The motion failed due to lack of 4 affirmative votes. County Attorney Kirby Atkinson stated that the Court has declared the current A-1 zoning unconstitutional and the property must be zoned or it will be considered unzoned. After further discussion, Commissioner Robinson made a motion to table a decision on the matter until the April 4, 2006 meeting. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to deny a Conditional Use for a Christian Retreat Center Camp for David & Stephanie Palusky. The effected property, containing approximately 19.984 acres, is located at 62 Knox Chapel Road and is further identified on WC Tax Map C 186, Parcel 3A. 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 asked those in favor of the Conditional Use to stand. He presented an aerial photo showing the location of the property and the proposed expansion. He stated that he has tried unsuccessfully to work with those in opposition toward resolution of the issues of concern. Mr. Rosenthal presented photographs of the property taken from Knox Chapel Road for the Board's review. Mr. Rosenthal asked the Board to amend the request by removing Phases 2 & 3 and to approve the Barn expansion for use as a church and to approve a variance reducing the required road frontage from 100 ft. to 64 ft. Wolfgang Shuler, representing property owners in the area, spoke in opposition to the Conditional Use. Mr. Shuler asked those present in opposition to stand. He stated that the Conditional Use would be an irrevocable change to the neighborhood. He stated that there would be meetings with upwards of 300 attendees twice per week. Mr. Shuler cited concerns on the impact to the water supply and problems regarding the building code as reasons for opposition. He then presented photographs taken of the property from neighboring properties for the Board's review and presented a petition with signatures of those persons opposed to the

Conditional Use for the record. In rebuttal, Mr. Rosenthal stated that the applicants agree to close outdoor activities by 10:00 p.m. Chairman Little closed the public hearing on the matter. Commissioner Turner asked Planning Director Mike Martin to review the staff recommendation. Mr. Martin stated that the recommendation stipulated that limitations will apply to the place of assembly as well as other structures and that they will have to comply with ADA and other county regulations. Mr. Rosenthal stated that the request to amend the Conditional Use was meant to address the concerns of the neighbors. Ron Morton and Billy Dukes also spoke in opposition. Bill Kitchen, an adjoining property owner, stated that he has had his property appraised but has no plans to sell it. Chairman Little again closed the public hearing on the matter. Commissioner Palmer made a motion to approve the Conditional Use for a church only with the following conditions: An engineered site plan shall be submitted and approved for development with commercial driveway, paved parking, etc. and architectural sealed plans shall be submitted for remodeling and expansion of the barn into a place of assembly. He further moved to approve a variance for reduction of the required road frontage from 100 ft. to 64 ft. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Palmer and Chairman Little voted in favor of the motion. Commissioners Robinson and Atha opposed the motion. The motion carried 4-2.

At 7:35 p.m. the Board briefly recessed.

Chairman Little called the meeting back to order at 7:45 p.m.

The Board considered a petition for abandonment of a portion of Old Braswell Road. Chairman Little opened the public hearing on the matter. Amos McElreath and Dustin Wilbanks came before the Board in support of the abandonment. There was no one present in opposition; however a letter of opposition was received from Julia M. Fuller and placed on record. Chairman Little closed the public hearing on the matter. Commissioner Robinson made a motion to approve the abandonment. Commissioner Atha seconded the motion; voted and carried unanimously. The legal description and drawing of the portion of Old Braswell Road that is abandoned is on file in the auxiliary file under this meeting date.

The Board considered a paving priority list for roads to be paved using SPLOST funds. Commissioner Turner made a motion to approve the list. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to move ratification of actions taken by the Walton County Water & Sewerage Authority at its 2/28/06 meeting to the end of the agenda. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a church for The Orchard Church. The effected property, owned by Harold & Elsie Sasser, is located on Ga. Hwy. 81 and is further identified on WC Tax Map C 51, Parcels 195 & 194. Chairman Little opened the public hearing on the matter. Steve

Landers of Bullard Land Planning represented the applicant. John Able, who owns property located to the proposed church, spoke in opposition. Mr. Able stated that he thinks the property would better serve the county as a commercial use. In rebuttal, Mr. Landers stated the proposed Conditional Use is concurrent with the county's land use plan and he doesn't think Mr. Able has valid opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion, seconded by Commissioner Atha, to approve the Conditional Use. All voted in favor.

The Board considered a Planning Commission recommendation to deny a Conditional Use for a Group Personal Care Home for Laurie McElveen. The effected property, owned by Patricia C. Cooper & Walter F. Cooper, is located at 2077 Ga. Hwy. 83 and is further identified on WC Tax Map C 165, Parcel 67. Chairman Little opened the public hearing on the matter. The applicants were not present at the meeting. Charna Parker of the Planning & Development Office presented the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the Conditional Use with the condition that it meets all Federal, State and County requirements before its doors open. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve an alteration to (Z05120006) zoning conditions on 2 acres for Jack Sockwell & Derrill Perry. The effected property is located on Ga. Hwy. 81 and is further identified on WC Tax Map C 49, Parcel 1. Chairman Little opened the public hearing on the matter. Hal Breedlove, representing the applicant, came before the Board in support of the request. Mr. Breedlove stated that the applicant is requesting the conditions to be removed only on a 2 acre out-parcel located directly off of Ga. Hwy. 81. The conditions are as follows: 1. Brick structures. 2. Professional Offices. 3. 6 ft. high privacy fence with an addition of a double layer of Leyland cypress planted. 4. All parking to be on the front of the property. There was no one present in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the alteration as requested. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 for one residential lot on 1.96 acres for RTA Land Dev., LLC. The effected property, owned by Buford R. & Alice Holeman, is located on McCullers Road & Pointer Road and is further identified on WC Tax Map C 8, Parcel 34. Chairman Little opened the public hearing on the matter. The applicant, Al Wages, came before the Board in support of the rezone. Mr. Wages presented a plat of the plan for the property for the Board's review. 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. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 with Open Space Conservation Overlay for Double B Development, LLC. The effected property is located on Sardis Church Road/Youth Monroe Road/ Nunnally

Farm Road and is further identified on WC Tax Map C 62, Parcel 160 Split. The purpose of the request is to rezone 30.830 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney John Spence, representing the applicant, came before the Board in support of the rezone. Mr. Spence submitted a letter preserving the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone with the condition that the minimum house size will be 2,000 sq. ft. heated space for single story houses and 2,200 sq. ft. heated space for 2 story houses. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-2 with Open Space Conservation Overlay to A-1 for a private drive subdivision on 44.549 acres for Neal Jackson. The effected property, owned by WarJac, LLC, is located at 2610 Shockley Road and is further identified on WC Tax Map C 119, Parcel 59. Chairman Little opened the public hearing on the matter. Neal Jackson 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 Palmer seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 with Open Space Conservation Overlay for WMS, LLC. The effected property, owned by Julia Ann Carter Pyles, is located on Guthrie Cemetery Road and is further identified on WC Tax Map C 52, Parcel 148. The purpose of the request is to rezone 17.437 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. Josh Carr presented the request on behalf of the applicant. 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. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to A-2 with Open Space Conservation Overlay for George E. Harvey III, Dillard & Galloway, LLC. The effected property, owned by Central Georgia Development Group, Inc., is located on Alcovy Station Road and is further identified on WC Tax Map C 80, Parcel 37 Split. The purpose of the request is to rezone 65.41 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. Attorney Doug Dillard, representing the property owner David Willett, came before the Board in support of the rezone. He presented a site plan for the proposed Alcovy Station Estates. Allen Whitley and Dale Wiley spoke in opposition to the rezone, stating that the rezone would be spot zoning and expressed concerns about the natural springs located on the subject property and the creek that runs through it. Mr. Whitley stated that the proposed development is not consistent with the adjoining properties and homes. After rebuttal by David Willett, Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to table a decision on the matter until the April 4, 2006 meeting when Commissioner Gasaway can be present. Commissioner Robinson seconded the

motion; voted and carried unanimously. The proposed rezone is located within Commission District 3 of which Commissioner Gasaway represents.

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-2 to B-3 for a small business park on 30.975 acres for Cannon Business Park, LLC. The effected property, owned by David Miller, Brooks Adair, Scott Dodson & Reed Adair, is located on Cannon Farm Road & Hwy. 138 and is further identified on WC Tax Map C 53, Parcel 24. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. Carolyn McCabe spoke in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the request with the conditions that any exterior lighting will be kept to a minimum and excess lighting will be turned out no later than 9:00 p.m. with the exception of only security lighting remaining on and that security lighting will be minimal and aimed inward to the buildings and no lighting extending out from the lots. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 with Open Space Conservation Overlay for CBS, Inc. The effected property, owned by Alvin D. Pickens & Kaye E. Pickens, is located at 2170 Bethany Church Road and is further identified on WC Tax Map C 164, Parcel 91. The purpose of the request is to rezone 52.04 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. Craig Cole of CBS Properties 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 conditions that the houses will be a minimum of 1,800 sq. ft. and the applicant will abide by all county ordinances and building codes. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a request for alteration to (Z05010025) zoning conditions on 2 acres to remove the requirement for a transitional buffer for Country Crossings Child Development Center. 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. Ron Pope, owner of Country Crossings, came before the Board in support of the request. Chris Kumnick of the Walton County Environmental Health Department discussed the requirements regarding the septic system for the facility. There was no one present in opposition to the request. Commissioner Turner made a motion to approve the alteration to zoning conditions. Commissioner Palmer 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 on 29+- acres 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. Previously, 2 acres of

this 29.23-acre tract was rezoned for a daycare center. At that time, the Board of Commissioners voted that the land use designation on the remainder of the property should be changed from high density residential to commercial. The proposed change has been properly advertised as requested by the Board. Chairman Little opened the public hearing on the matter. Charna Parker of the Planning & Development Office presented the proposed change on behalf of the county. 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. Commissioner Ayers seconded the motion. All voted in favor.

At 9:20 p.m., the Board briefly recessed.

Chairman Little called the meeting back to order at 9:28 p.m.

The Board considered ratification of actions taken by the Walton County Water & Sewerage Authority at its February 28, 2006 meeting. Frank Sherrill discussed the proposed service territory agreement with the City of Loganville. Mr. Sherrill stated that a contract should be drawn between the WCWSA and the City of Loganville relative to service territories. He stated that the proposed rate agreement between the WCWSA and the City should meet the requirements of the bond resolution relative to no impact on bondholders due to reduction in territory. Mr. Sherrill explained that Walton County as well as the Cities in Walton County must modify the House Bill 489 Water and Wastewater Service Delivery Map. He stated that Loganville City Manager Bill Jones has indicated that the City has no problem with the map amendment and is willing to go forward with it in order to resolve the legal issue between WCWSA and the City of Loganville relative to the Service Delivery Map disagreement. Commissioner Turner made a motion to proceed ahead with the changing of H.B. 489 and ask council to get with the engineering firm and cities that need be to draft whatever agreements are necessary for the rate structure to satisfy the bond folks and also whatever needs to be done to amend House Bill 489. Commissioner Robinson seconded the motion. All voted in favor. Commissioner Turner amended his motion to address the four issues: Amendment to the contract including the 1996 & 1998 maps, the rate agreement with the City of Loganville, amendment of H.B. 489 and final resolution of the suit between WCWSA and Walton County and the City of Loganville. Commissioner Robinson seconded the amended motion. All voted in favor.

Frank Sherrill reviewed the 3-tier residential rate structure proposed by the WCWSA. WCWSA General Manager Wendell Geiger presented a list of capital projects for the Board's consideration. Mr. Geiger stated that the capital project list was included in the WCWSA FY06 budget request. The Board asked Mr. Geiger to meet with Finance Officer Christi Pickens and Planning Director Mike Martin to see what capital projects and other critical needs can be afforded within the 1/12th budget the Board has approved for each month through June 30, 2006 and to bring the information back for the Board's consideration at its March 30, 2006 meeting. After further discussion, Commissioner Turner made a motion to approve the rate structure as approved by the WCWSA Board.

Commissioner Palmer seconded the motion; voted and carried unanimously. Commissioner Robinson made a motion to table a decision on the capital project requests until the March 30, 2006 meeting. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a 3% increase for WCWSA employees and a request for 2 new positions. Chairman Little stated that he would prefer the request for 2 new positions be held until July 2006. Commissioner Turner made a motion to approve the 3% employee increase contingent upon the monies for the increase being available in the 1/12th budget. Frank Sherrill suggested that it would be good if the Board would make the rate increase effective the 1st of March 2006 so revenues could be generated to cover the cost of the increase and the capital projects. After further discussion, Finance Officer Christi Pickens stated that to her recollection, the Board's decision was to approve 1/12th of the operating expenditures and to meet the debt service needs and there wasn't a capital outlay approved; therefore, there is no money approved now for capital outlay. She stated that the revenues Mr. Sherrill suggested will be there, but there will need to be a budget put together to reflect all of this. Ms. Pickens recommended the budget committee take a look at the proposed budget this month and have the Water Authority come and visit with the budget committee and present this information and let everybody review it and look it over and hopefully everyone will have a better understanding. After further discussion, Commissioner Turner amended his motion to include the approval of the rate increase as of March 1, 2006. Commissioner Atha seconded the amended motion. Commissioner Ayers stated that the Board is approving a rate increase on water that people have already used knowing what rate it was under at the time they used it. Commissioner Turner amended his motion to approve the rate increase effective April 1, 2006 to give a chance to send notices out to the customers saying there is going to be a rate increase and that it will be a tiered system as mandated by the State of Georgia. Commissioner Robinson seconded the motion. All voted in favor. County Clerk Leta Talbird asked for clarification on the employee increase because no vote was taken on the motion. Chairman Little called for a vote on Commissioner Turner's motion to approve a 3% employee increase retroactive to January contingent upon the monies being available in the 1/12th budget. All voted in favor.

The Board considered a WCWSA recommendation that the Board approve the City of Winder Water Purchase Contract. Frank Sherrill reviewed the details of the contract with the Board. County Attorney Kirby Atkinson stated that although no significant changes need to be made, he has some questions regarding language in the contract. After further discussion, Commissioner Ayers made a motion to approve the contract pending review by the County Attorney. Commissioner Palmer seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to ratify all other actions taken by the WCWSA at its meeting on February 28, 2006. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a request from the William Harris Homestead Foundation for the County's support in having the Homestead placed in the Georgia Land Conservation Program. Commissioner Turner stated that earlier in the Foundation's presentation, Ms. Zazworsky mentioned that there is a financial component involved in approval of this project. Chairman Little stated that the Federal and State government will put money in and the County will put a certain portion in, if approved. The Board discussed the dollar amount the County will be committing to. After further discussion, Commissioner Ayers made a motion to approve support of the project contingent upon the Chairman polling the Board members for approval after confirmation of the exact financial impact on the County. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Robinson made a motion to approve the following rights of way: Oakmont Subdivision – Oakridge Avenue, Oakmont Way, Oakmont Drive, Oakridge Court, Acorn Way; Weston Subdivision – Weston Way; The Preserve @ Maddox Farms Subdivision – Maddox Lane, Hymer court & Maddox Court. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a request from the City of Loganville to annex .87 acres located at 3424 Deerfield Road for the First Baptist Church of Loganville. Commissioner Ayers made a motion to approve the annexation. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a request from the City of Monroe to annex approximately 148.02 acres on Georgia Hwy. 10. Commissioner Robinson made a motion to approve the annexation. Commissioner Palmer seconded the motion. Commissioners Robinson, Palmer, Atha and Chairman Little voted in favor of the motion. Commissioner Ayers and Turner opposed the motion. The motion carried 4-2.

At 10:40 p.m., Commissioner Robinson 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

MICHAEL TURNER, DISTRICT 2

LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5

JOHN ROBINSON, DISTRICT 6