

June 6, 2006

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, June 6, 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 Interim Vice Chairman Gerald Atha, Commissioners Clinton Ayers, Michael Turner, Vickie Gasaway and Lamar Palmer, County Clerk Leta Talbird, County Attorney Kirby Atkinson, Personnel Director Karen Fraser 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. Chairman Little was on vacation and did not attend the meeting. Commissioner Robinson did not attend the meeting due to a scheduling conflict.

Vice Chairman Atha called the meeting to order at 6:02 p.m. and led those present in the Pledge of Allegiance. Commissioner Gasaway opened the meeting in prayer.

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

Holli Bolander and Chad Draper of the Walton County Quality Growth Committee came before the Board to ask for a vote to support going forward with a joint city/county public forum with a privately funded land planner. Commissioner Gasaway stated that she thought the Smart Code concept is better suited for cities and that she was not prepared to make a motion endorsing the forum. Ms. Bolander stated that the forum would be a major step in educating the public. Commissioner Ayers stated that experts he has spoken with have said in order to make this work for a county it would take a minimum of 500 acres and would almost be like building a city. After further discussion, the Board stated that the Committee should go forward with the public forum and send an invitation to the Commission. No action was taken on the matter.

Commissioner Ayers made a motion to table a rezone request from A-1 to R-1 w/ 2400 Overlay for Central Georgia Development Group until the July 11, 2006 meeting. Commissioner Gasaway seconded the motion; voted and carried unanimously. Daniel J. Ferguson expressed concern that the applicant was tabling the request rather than withdrawing it.

The Board considered a Planning Commission recommendation to deny a zoning application from A-1 & A-2 to R-1 with Open Space Conservation Overlay but to approve a rezone from A-1 & A-2 to A-2 with Open Space

Conservation Overlay for Von Itter & McGee, Inc. The effected property, owned by Rangasammy Chunasamy, is located on Old Monroe Madison Road and is further identified on WC Tax Map C 183, Parcels 14 & 15. The purpose of the request is to rezone 46.86 acres for a single-family residential subdivision. Vice Chairman Atha 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 May 2, 2006 that is on file in the Planning & Development Office. Mr. Rosenthal reviewed conditions that the applicant would agree to should the property be rezoned to R-1 Open Space Conservation Overlay. He stated that the applicant has agreed to put a chain link fence on the length of the property line that abuts the subject property on the eastern side and that is in close proximity or fronting on a pond. He stated that the homes would have a price point of \$225,000.00 - \$250,000.00 and that there would be a 25 ft. undisturbed buffer around the entire perimeter of the property. Mr. Rosenthal stated that the applicant would pay for the water tap fee and provide the meter for the adjacent property owner. Brenda Malcom, who owns the adjoining property on which the lake is located, stated that a 4 ft. high fence is not enough, but that a 6-ft. high fence would be acceptable. Mr. Rosenthal stated that the applicant would agree to build a 6-ft. high fence. Vice Chairman Atha closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone to R-1 with Open Space Conservation Overlay with the following conditions: No more than 39 lots; no vinyl siding; houses will be constructed of brick, stone, stucco or hardie plank; lots #1 and #47 will be removed to allow additional open space at the front of the development; an additional 25-ft. buffer will be provided on both sides of the development; 2000 sq. ft. minimum house size; a playground area; the development must have county water and the applicant will pay for the water tap and meter for the adjacent property owner and that a 6-ft. high fence will be built as agreed along the property line abutting Mrs. Malcom's property. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a religious meeting facility for Most Reverend Wilton D. Gregory, S.L.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta. The effected property, owned by Kenneth E. Murray, Sr., is located on Monroe Jersey Road and is further identified on WC Tax Map C 102, Parcels 33 and 35C. Vice Chairman Atha 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 Constitutional rights letter that is on file in the Planning & Development Office. He presented a conceptual drawing and general layout of the project. There was no one present in opposition to the Conditional Use. Vice Chairman Atha closed the public hearing on the matter. Commissioner Palmer made a motion to approve the Conditional Use. Commissioner Turner seconded the

motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a 195-ft. Telecommunications Facility for T-Mobile South, LLC. The effected property, owned by Harold R. Minor, is located at 4900 Grady Smith Road and is further identified on WC Tax Map C 60, Parcel 6. Vice Chairman Atha opened the public hearing on the matter. Sawan Marshall of T-Mobile South, LLC came before the Board in support of the request. There was no one present in opposition. Vice Chairman Atha closed the public hearing on the matter. Commissioner Ayers made a motion to approve the Conditional Use. Commissioner Gasaway seconded the motion. Commissioners Ayers, Gasaway, Palmer and Vice Chairman Atha voted in favor of the motion. Commissioner Turner opposed the motion. The motion carried 4-1.

The Board considered a Planning Commission recommendation to approve a rezone request from A-2 to A for Phillip Williams. The effected property is located on Bold Springs Road and is further identified on WC Tax Map C 72, Parcel 105. The purpose of the request is to rezone 10.851 acres for a Wholesale Nursery. Vice Chairman Atha opened the public hearing on the matter. The applicant, Phillip Williams, came before the Board in support of the rezone. Mr. Williams stated that he would like the rezone approved with the driveways as he has proposed without the condition recommended by the Planning Commission. Planning Director Mike Martin stated that a commercial driveway is required for trucks hauling wholesale materials. Commissioner Ayers expressed his concern about additional traffic coming to and from a business. Mr. Williams stated that he is willing to put in a center turn lane if a traffic study warrants one in addition to a commercial driveway. Joyce Owens spoke in opposition to the rezone. She stated that she is not crazy about having a wholesale nursery next to her home. She stated that she does not think Mr. Williams will have room for a turn lane along his property's road frontage. Mike Martin stated that the most Mr. Williams could do is a 100-ft. taper with a 100-ft. decel lane and that it could possibly interfere with other properties. Kevin Morris, son-in-law of Mr. Williams, spoke in favor of the rezone. He stated that he would be running the nursery. He stated that they were proposing a commercial driveway with a concrete apron similar to what Bold Springs Nursery has. He stated that being a growing facility, there would not be traffic going in every single day like a retail business. Commissioner Ayers stated he is concerned about the size of the traffic rather than the volume of traffic because the wholesale business would bring in tractor trailers or large box vans. Commissioner Ayers stated that this rezone would effect the neighborhood as it is strictly a residential community and is slated as such on the Land Use Plan. Commissioner Ayers made a motion to deny the rezone. 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-3 for a small business park on 10.083 acres and a rezone from A-1 to R-1 with Open Space Conservation Overlay on 17.0 acres for a residential subdivision for Stillwater Communities, Inc. The effected property, owned by Jan S. Roe, is located on Georgia Hwy. 20 and is further identified on WC Tax Map C 7, Parcel 48. Vice Chairman Atha opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the requests. Mr. Rosenthal referred to a Constitutional rights letter dated April 2, 2006 that is on file in the Planning & Development Office. Bob St. Germain spoke in opposition to the request, citing low water pressure currently experienced in the area and increased traffic on Old Sharon Church Road. Doris Westbrooks spoke in opposition citing concerns about water runoff onto her property. Planning Director Mike Martin presented a drawing showing the proposed realignment of Old Sharon Church Road and Pointer Road as well as the existing right of way on Old Sharon Church Road. Mr. Rosenthal reviewed concessions the applicant is willing to make, including paving, realignment of Old Sharon Church Road and moving certain water taps. He stated that the paving could be extended 250 feet beyond the subject property line. Mr. Rosenthal stated that the applicant is willing to turn exterior lighting inward and to use all masonry materials. Commissioner Turner stated that without a water tank constructed in the area, there would be insufficient water flow to provide adequate fire protection. He stated that the Walton County Water & Sewerage Authority is trying to purchase property to build a water tower. Mr. Rosenthal stated that the applicant understands that building cannot begin until the water flow issue is resolved. Ryan Saltamacchio spoke in opposition to the request. He stated that the road realignment would be right across from his house. Mr. Saltamacchio also expressed concern about exterior lighting and existing trees lining the road being removed. Mr. Rosenthal stated that the trees will not have to be disturbed. After further discussion, Vice Chairman Atha closed the public hearing on the matter. Commissioner Turner made a motion to approve the Land Use designation change and the rezones with the following conditions: No vinyl siding in the residential development; houses will be brick, masonry or hardy plank; the developer will realign Old Sharon Church Road as indicated on the new plans; the paving will extend to the development and then an additional 250 feet beyond the development down Old Sharon Church Road; the developer will put dead end signs on the road; existing water meters and taps will be moved; on the commercial development in the front any external lighting will be pointed inward and not external to the property and should be limited to a minimum amount of lighting after 10:00 p.m. for privacy for the residential area nearby; there will be a 6-ft. high privacy fence along the rear property line bordering Mr. St. Germain & the Westbrook property and construction

on this property will not take place until the new water tower is in place improving the water pressure and giving adequate water flow for fire protection. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Land Use designation change from industrial to high density residential and a rezone from A-1 to R-1 with RND Overlay on 1.83 acres to combine with a previously approved residential subdivision for Neslee, LLC. The effected property, owned by Bryan Armour, is located on Mt. Paran Church Road and is further identified on WC Tax Map C 138, Parcel 4. Vice Chairman Atha opened the public hearing on the matter. Lee Malcom of Neslee, LLC came before the Board in support of the request. There was no one present in opposition. Vice Chairman Atha closed the public hearing on the matter. Commissioner Palmer made a motion to approve the Land Use designation change and rezone. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Charna Parker of the Planning & Development Office presented a Planning Commission recommendation to re-adopt the Walton County Land Development Ordinance in its entirety as shown on Errata Sheet dated 4-3-06. Vice Chairman Atha opened the public hearing on the matter. Ms. Parker reviewed the proposed amendments with the Board. There was no one present in opposition. Vice Chairman Atha closed the public hearing on the matter. Commissioner Turner made a motion to re-adopt the Walton County Land Development Ordinance in its entirety including Errata Sheets 3, 4 & 5. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered adoption of policies and procedures as outlined in the Walton County Land Development Ordinance. Vice Chairman Atha opened the public hearing on the matter. Charna Parker of the Planning & Development Office reviewed the policies and procedures with the Board. There was no one present in opposition. Vice Chairman Atha closed the public hearing on the matter. Commissioner Ayers made a motion to approve the policies and procedures as presented. Commissioner Turner seconded the motion. All voted in favor.

The Board considered adoption of the standards for rezones, conditional uses and text amendment changes as outlined in the Walton County Land Development Ordinance. Vice Chairman Atha opened the public hearing on the matter. Charna Parker of the Planning & Development Office reviewed the standards with the Board. There was no one present in opposition. Vice Chairman Atha closed the public hearing on the matter. Commissioner Turner made a motion to adopt the standards as presented. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to accept the following rights of way for subdivision streets: Twin Oak Estates Subdivision – Twin Oak Place; White Oak Ridge Subdivision – Robin Drive, Aaron Court; Gratis Heights Subdivision – Gratis Heights Lane. All voted in favor.

The Board considered the following annexation requests: City of Monroe – Approximately 120.381 acres located on Monroe Jersey Road – C 102-1; City of Monroe – Approximately 49.03 acres located on James Huff Road – C 125-7; City of Monroe – Approximately 15.65 acres located on James Huff Road – C 127-1 Split; City of Social Circle – Near Hancock Drive – C 158; City of Social Circle – Approximately 90 acres – Clegg Farm Road. Commissioner Palmer made a motion to approve the aforementioned annexations. Commissioner Gasaway seconded the motion. Commissioners Ayers, Gasaway, Palmer and Vice Chairman Atha voted in favor of the motion. Commissioner Turner opposed the motion. The motion carried 4-1.

The Board discussed research being done by County Attorney Kirby Atkinson on use of speed bumps. Mr. Atkinson stated that his firm is still researching and is in the developmental stage. He stated that the County could possibly create special tax districts to pay for the installation and maintenance of the traffic calming devices. No action was taken on the matter.

At 7:51 p.m., Commissioner Turner made a motion to enter into executive session to discuss potential litigation and personnel issues. Commissioner Ayers seconded the motion. Commissioners Ayers, Turner, Gasaway and Palmer voted in favor.

At 8:31 p.m., Commissioner Gasaway made a motion to return to regular session. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway and Palmer voted in favor. No votes were taken while in executive session.

At 8:32 p.m., Commissioner Turner 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, DIST. 3

LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5

JOHN ROBINSON, DISTRICT 6