

July 11, 2006

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, July 11, 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, Finance 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. Commissioner Gasaway did not attend the meeting due to a prior commitment.

Chairman Little called the meeting to order at 6:06 p.m. and led those present in the Pledge of Allegiance. Commissioner Robinson opened the meeting in prayer.

Commissioner Ayers made a motion to adopt the agenda as presented. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered a contract for auditing services with Bates, Carter & Company. Finance Officer Christi Pickens reviewed the contract with the Board. County Attorney Kirby Atkinson suggested an addendum to the contract to incorporate the hourly rates stated in the company's proposal, approved at the June 29, 2006 meeting, as well as a "not to exceed" dollar amount. Mr. Atkinson also suggested the addendum include a provision that the company will bill for actual hours. Commissioner Robinson made a motion to approve the contract with the addendum suggested by the County Attorney. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Ayers made a motion to approve the withdrawal of a request for a rezone from A-1 to R-1 w/ 2400 overlay on 18.70 acres for a single-family subdivision for Central Georgia Development Group, LLC, located on Giles Road and Thompson Mill Road. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a consent order for Civil Action #05-0253-4 – Margaret M. Price v. Walton County, Georgia et al regarding rezone application #Z04-090012 on 57.1 acres located off Bold Springs Road. Chairman Little opened the public hearing on the matter. County Attorney Kirby Atkinson reviewed the consent order and read the following conditions into the record: A. The subject property shall have a maximum of 128 lots in the R-1 with RND Overlay zoned portion of the parcel (consisting of

approximately 55.1 acres) with the additional two (2.0) acre out-parcel that fronts Bold Springs Road remaining zoned as A-1, for a total of 129 buildable lots on the subject property. B. The development shall have two entrances with acceleration, deceleration and center turn lanes for both entrances. C. Mandatory and automatic membership in the homeowners association. D. All owners shall have equal access and right to use all common and shared facilities. E. A fair and uniform method of assessment for dues, maintenance and related costs. F. Perpetual and continued maintenance of properties and conservation areas and liability through the liens or other means in the case of default. G. Parking will be prohibited on the public streets. H. Garbage cans will be removed from the street the same day as garbage pick-up. I. No outside auto repairs or other mechanical maintenance activities will be permitted. J. All required covenants, declarations and restrictions shall be noted on individual plats, individual deeds, and subdivision plat and filed with the Clerk of the Superior Court of Walton County. K. The provisions of the homeowners association may be reviewed by the county attorney for compliance with the state and count laws and the intent of these conditions. Attorney Paul Rosenthal, representing the applicant, stated that the parties have worked together to agree on the conditions set forth in the consent order and he believes it is fair. James Hammond, Joel Johnson, Steve Godby and Floyd Curtis spoke in opposition to the rezone, stating that other than a few minor concessions in the consent order, nothing has changed since the original application was considered and that the proposed development does not fit with their equestrian community. In rebuttal, Mr. Rosenthal once again asked the Board to approve the consent order. Chairman Little closed the public hearing on the matter. Commissioner Palmer asked Mr. Rosenthal if the builder is willing to put up any type of fence to protect the horse owners. After further discussion, Commissioner Atha made a motion to approve the rezone from A-1 to R-1 with RND Overlay with the conditions set forth in the consent order and that the applicant is required to install a 4-ft. chain link fence down the northern side of the property with the fence to be perpetually maintained by the homeowners association. Commissioner Ayers seconded the motion. Commissioners Ayers, Palmer, Atha and Chairman Little voted in favor of the motion. Commissioners Turner and Robinson opposed the motion. The motion carried 4-2. A map delineating the location of the chain link fence is on file in the auxiliary file for this meeting.

The Board considered a Planning Commission recommendation to approve alteration to zoning conditions for 72 acres located on Hickory Grove Church Road for Hickory Grove LLC/Nathan Purvis. The effected property is identified on WC Tax Map C72, Parcel 35 Split. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, presenting the applicant, came before the Board in support of the request. Mr. Rosenthal referenced a letter signed by the applicant and neighbors of the property that

is on file as part of the application package which states that the applicant has agreed to increase the minimum house size to 2,400 square feet of heated and cooled space, not including basements and that the applicant will use all brick or rock fronts on each residence and is requesting the Board to allow up to 25 percent of facades to be hardie plank, hardie shank or other type of masonry siding. Phil Little, one of the neighbors who signed the aforementioned letter, stated that he believes the conditions are a reasonable trade off and the neighbors are not opposed to this for this parcel of property.

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 request with the following two alterations to the prior zoning conditions: Condition # 1 will be changed to increase the minimum home size to 2,400 square feet heated and cooled space, not including basements and Condition # 2 that the homes will have brick fronts with up to 25 percent other masonry materials such as hardie plank or hardie shakes and the other sides of the houses will be masonry type materials. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-2 to R-1 on 2.21 acres for two 1-acre tracts for Reginald Sorrow, Jr. The effected property, owned by Reginald G. Sorrow, Jr. and Jody Wages, is located on Laboon Road and is further identified on WC Tax Map C 166, Parcel 123. Chairman Little opened the public hearing on the matter. Reginald Sorrow 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 Robinson made a motion to deny the rezone. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 on 6.41 acres for five 1-acre tracts for RTA Land Dev., LLC. The effected property, owned by Rebecca Clay Adcock and Larry Clay, is located on Pointer Road and is further identified on WC Tax Map C 8, Parcel 37. Chairman Little opened the public hearing on the matter. Al Wages, the developer of the property, came before the Board in support of the request. He stated that the applicant will purchase 35 feet of right of way approximately 1,200 feet along Pointer Road and will donate the right of way to the County. Mr. Wages stated that Lot #5 of the development will require a variance for lot width reduction from the required 150 feet to approximately 80 feet. He stated that he is trying to acquire additional property in order to increase the road frontage of Lot #5 to get the required frontage and setback and build a much nicer home on the lot. There was no one present in opposition to the rezone. Commissioner Turner stated that there is a water pressure problem in this area. He stated that there is insufficient water pressure for a fire hydrant in this area based on information from the Water Department and as a result the Board has already disallowed

a development in this area until that problem is corrected. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone with the condition that there be no development until the problem with the water pressure is resolved, conditioned on Lot #5 being a traditional lot and no vinyl siding. 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 greenspace overlay on 44.00 acres for a residential subdivision for Nathan Purvis. The effected property, owned by William T. Griffeth, Howard Griffeth and Bobby Gene Griffeth, is located on Bullock Bridge Road and is further identified on WC Tax Map C 59, Parcels 91, 92 & 93 Split. 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 filed on behalf of the applicant in the Planning & Development Office. Commissioner Turner inquired about public access to the greenspace. Mr. Rosenthal stated that the applicant understands it has to be fixed to allow access around lots 7, 8 & 9. 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 conditions that the open space along the river will be donated the county greenspace program, with the access being fixed on the plat before it is approved and that the front of the homes will be masonry type material. Commissioner Robinson seconded the motion Commissioners Ayers, Palmer, Atha & Robinson 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 from A-2 to R-1 with open space overlay on 61.5 acres for a residential subdivision for Burns C. Garner. The effected property, owned by David & Rebecca Jumper, is located on New Hope Church Road and is further identified on WC Tax Map C 74, Parcel 9. Chairman Little opened the public hearing on the matter. Chris Garner 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 Ayers made a motion to approve the rezone with the conditions that all homes will be masonry siding and all homes will be at least 2,600 square feet of heated space not including basements or carports. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-2 (MH) to R-1 with open space overlay on 45.136 acres for a residential subdivision for Jones & Jones Investments, LLC. The effected

property, owned by Christopher J. Michael, is located on Bullock Bridge Road and is further identified on WC Tax Map C 59, Parcels 9, 10, 11 & 12. 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 filed on behalf of the applicant in the Planning & Development Office. 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. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Robinson made a motion to accept the following rights of way: Zach's Creek Subdivision – Seth's Ridge, Allison Way; Sterling Oaks I Subdivision – Amberwood Drive, Brackenwood Road & Chestnut Oak Court. Commissioner Atha seconded the motion. All voted in favor.

County Attorney Kirby Atkinson presented a Special Purpose Local Option Sales Tax Intergovernmental Agreement between Walton County and the Cities of Monroe, Loganville, Social Circle, Walnut Grove, Good Hope, Jersey and Between. Commissioner Turner expressed his opposition to going forward with the SPLOST initiative until the Board understands the scope of the projects and where the dollars are going. After further discussion, Commissioner Atha made a motion, seconded by Commissioner Palmer, to approve the Intergovernmental Agreement. Commissioners Ayers, Palmer, Atha, Robinson and Chairman Little voted in favor of the motion with Commissioner Turner abstaining. The motion carried 5-0.

Mr. Atkinson presented a resolution authorizing the imposition of a one percent sales and use tax; specifying the purposes for which the proceeds of such tax are to be used; specifying the period of time for the which the tax may be imposed; specifying the estimated cost of the capital outlay projects to be funded from the proceeds of such tax; authorizing the issuance of certain general obligation debt secured by the proceeds of such tax; specifying the principal amount of such general obligation debt to be issued; specifying the purpose for which such general obligation debt is to be issued; specifying the maximum interest rate or rates of interest which shall be paid in each year during the life of such general obligation debt; requesting the Board of Elections and Registration to call an election of the voters of the special district of Walton County to approve the issuance of such general obligation debt; approving the form of ballot to be used in such election; and for other purposes. Commissioner Palmer made a motion to adopt the resolution. Commissioner Atha seconded the motion. Commissioners Ayers, Palmer, Atha, Robinson and Chairman Little voted in favor of the motion with Commissioner Turner abstaining. The motion carried 5-0.

Mr. Atkinson presented an Intergovernmental Agreement between Walton

County and the City of Monroe regarding funding for the Monroe Bypass Project. Commissioner Turner stated that this agreement is an example of why he did not agree with going ahead with the SPLOST. After further discussion, Commissioner Atha made a motion to approve the Intergovernmental Agreement. Commissioner Palmer seconded the motion. Commissioners Palmer, Atha and Chairman Little voted in favor of the motion. Commissioners Ayers, Turner and Robinson opposed the motion. The motion failed due to a 3-3-tie vote. Commissioner Robinson asked Chairman Little for clarification of the details of the Agreement. After further discussion, Chairman Little called for reconsideration of the motion. Commissioners Palmer, Atha, Robinson and Chairman Little voted in favor of the motion. Commissioners Ayers and Turner opposed the motion. The motion carried 4-2.

Recreation Director Jody Johnson presented an estimate for repairs at Mathews Park. Commissioner Robinson stated that the repairs were needed immediately and could not wait until the SPLOST was approved. Mr. Johnson stated that he would be prices for repair of the restrooms and replacement playground equipment for presentation to the Board at the July 27, 2006 meeting.

Finance Officer Christi Pickens presented an FY07 budget amendment for the Sheriff's Department – Energy Costs and for the purchase of a used copier. Commissioner Atha discussed his concern about the County's gas card policy and the rising cost of fuel. The Board discussed the possibility of putting in fuel tanks in various locations for use by the County, the Walton County Board of Education and the Water Authority. Commissioner Ayers made a motion, seconded by Commissioner Atha, to approve the FY07 budget amendment as presented. All voted in favor.

Commissioner Ayers made a motion to appoint John Snyder to the Walton County Planning Commission representing Commission District 1. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Robinson made a motion to appoint Randolph Jeffery to the Walton County Personnel Advisory Board. Commissioner Turner seconded the motion; voted and carried unanimously.

At 7:53 p.m., Commissioner Atha made a motion to adjourn the meeting. Commissioner Palmer 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.

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