

October 3, 2006

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, October 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, County Attorney Kirby Atkinson, Personnel Director Karen Fraser, Fire Chief Steve Couch 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 called the meeting to order at 6:03 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 fire service options for South Walton/Oasis Community. Commissioner Palmer stated that the residents of the Oasis Community would like to see the Oasis Fire Department reopened. Claude Haynes, representing residents of Oasis Community, came before the Board to request that the station be reopened. Mr. Haynes asked those present in support of the request to stand. He presented a petition with approximately 288 signatures in support of opening the Oasis Fire Station. Commissioner Gasaway asked Social Circle Mayor Jim Burgess and City Manager Doug White to comment on the request. Mayor Burgess stated that Social Circle has a contract to cover the southern portion of Walton County including the Oasis Community and that a new contract has been offered to continue fire service in the area in the amount of \$50,000.00. He stated that the City of Social Circle has a lower ISO rating than Walton County and that the residents of the community benefit from the lower ISO rating, which lowers homeowner insurance premiums. Mayor Burgess stated that if the County wishes to reopen the Oasis Fire Station, the City fully understands and supports that decision. Walton County Fire Chief Steve Couch explained that an ISO rating is a measurement used by insurance companies and is only one factor to consider in regard to fire protection. He explained how the ISO rating is determined and added that unincorporated areas served by the City of Social Circle may not necessarily enjoy the benefits of the City's lower rating. Chief Couch expressed his concern regarding the distance of the Oasis Community from Social Circle. He stated that the response time is at least 8 minutes and that the national goals are to put help on the scene in less than 5

minutes. He stated that response time is critical in cases of cardiac arrest and other life threatening emergencies. Commissioner Atha stated that he understands the problem and wishes there were 25 fire stations all over the county but that there are other areas in the county more than 5 miles from a fire station that are more populated than the Oasis Community. Chief Couch referred to a Fire Protection Study completed in early 2005 in which the results indicated that 4 stations will be needed in the next 5 years, including a station in the District 5 area Commissioner Atha referred to and in the 5 to 10 year window, 5 more stations, including Hawkins Academy and Knox Chapel, which is the area the Board is addressing now. After further discussion, Commissioner Robinson stated that before a decision is made on whether to open Oasis Fire Station, there should be a clear budget picture for structure improvements and the personnel budget impact. Commissioner Palmer made a motion to open the Oasis Fire Department. The motion failed due to lack of a second. Commissioner Atha made a motion to approve the fire service contract with the City of Social Circle. Commissioner Ayers seconded the motion. Commissioners Ayers, Turner, Gasaway, Atha and Robinson voted in favor of the motion. Commissioner Palmer opposed the motion. The motion carried 5-1.

Commissioner Ayers made a motion to move Item 5.02 – Decision on RFP for Classification and Pay Plan Study to the end of the agenda. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for Southeast Towers for a telecommunication tower at 1841 Georgia Hwy. 11. The effected property, owned by John McGaha, is identified on WC Tax Map C 88, Parcel 29. Chairman Little opened the public hearing on the matter. Lannie Greene of Southeast Towers 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, seconded by Commissioner Gasaway, to approve the Conditional Use. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for Southeast Towers for a telecommunication tower at 2229 Bethany Church Road. The effected property, owned by Johnny and Shirley Broach, is identified on WC Tax Map C 164, Parcel 80. Chairman Little opened the public hearing on the matter. Lannie Greene of Southeast Towers 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 Palmer made a motion, seconded by Commissioner Atha, to approve the Conditional Use. All voted in favor.

The Board considered a Planning Commission recommendation to approve a

Conditional Use request for Southeast Towers for a telecommunication tower and variance on the setbacks on property located at 1770 Shoal Creek Road. The effected property, owned by William and Tamela Burnette, is identified on WC Tax Map C 120, Parcel 13. Chairman Little opened the public hearing on the matter. Lannie Greene of Southeast Towers came before the Board in support of the request. He submitted notarized letters from adjoining property owners approving setbacks for the tower. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion, seconded by Commissioner Gasaway, to approve the Conditional Use. All voted in favor.

The Board considered a Planning Commission recommendation to approve the second submittal of a preliminary plat for an RND Development located on Georgia Hwy. 11 & Mt. Paran Church Road for Neslee LLC/Andy Malcom. The effected property is identified on WC Tax Map C 138, Parcel 2. Chairman Little opened the public hearing on the matter. Lee Malcom came before the Board in support of the request. Bobby Howard came before the Board regarding his 2- acre tract having been rezoned along with the aforementioned development. Planning Director Mike Martin stated that Mr. Howard's property had not been rezoned and that it remains zoned A-1. The Board assured Mr. Howard that if the Tax Assessor's Office inadvertently picked up his property as part of the rezone, the error would be corrected. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the preliminary plat. 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 on 23.037 acres for a single-family subdivision for Lilburn Developers. The effected property is located on Bold Springs Road and Loth Wages Road and is further identified on WC Tax Map C 58, Parcel 95. Chairman Little opened the public hearing on the matter. Bobby Bullard of Bullard Land Planning came before the Board in support of the rezone. Mr. Bullard stated that the applicant is willing to comply with the conditions recommended by the Planning Commission regarding modification/shifting of the road without adversely affecting the site distance. He stated that the applicant has no problem planting trees along Loth Wages Road but would request the Board condition the request with 3 to 5 gallon evergreen screening trees instead of specifically Deodor Cedars. Commissioner Ayers asked Mr. Bullard if the applicant is willing to stipulate that the trees be perpetually maintained by the homeowners association. Mr. Bullock stated that would be acceptable. 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 applicant will shift Loth Wages Road as far to the east as possible to give more site distance and with

the condition that 5 gallon Leyland cypress or similar screening type trees will be planted on 8 ft. centers and staggered to provide the best possible screen. Commissioner Robinson seconded the motion. Commissioners Ayers, Gasaway, Palmer, Atha and Robinson voted in favor of the motion. Commissioner Turner opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to deny a rezone from A-1 to A on 19.66 acres for a kennel for Stacie & Michael Easterling. The effected property is located at 301 Stock Gap Road and is further identified on WC Tax Map C 71, Parcels 45 & 46. Chairman Little opened the public hearing on the matter. Stacie Easterling read a letter aloud requesting the Board defer a decision on the rezone request for 90 days to enable all of the parties concerned sufficient time to examine the best approach to resolving issues related to this application. Ms. Easterling inquired if it would be better to request approval for withdrawal of the application and to start the process over again. Commissioner Atha stated that he believed it would be best for the applicant to withdraw the request and take it back through the entire process. Ron Lupori spoke in opposition to the rezone. He stated that the variance the applicant is requesting is a major issue. He cited concerns about having a business located in a residential area, noise and increased traffic as reasons for opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve withdrawal of the rezone request. 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 Open Space Conservation Overlay for a single-family subdivision on 94.82 acres for CPS Partners Unlimited LLC. The effected property is located on Clegg Farm Road and is further identified on WC Tax Map C 109, Parcel 4. 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 reserving the applicant's Constitutional rights that was placed in the file on this date. Mr. Rosenthal stated that the proposed development is consistent with Laurel Oakes subdivision, which is contiguous to the effected property. He added that the development is consistent with Walton County's future land use map. Larry Sneed, representing residents of the Clegg Farm Road area, spoke in opposition to the rezone. He stated that the house size and lot sizes being proposed are not compatible with the homes in the area. He stated that Clegg Farm Road is a narrow winding road and that the applicant will be required to improve only 5% of the road. Jon Paul Edwards presented pictures of Clegg Farm Road for the Board's review. Mr. Sneed cited school issues, concerns regarding wetlands, the environmental impact of 79 septic tanks on the area and concerns regarding sufficient water pressure as reasons for opposition. He submitted a petition with signatures of residents of the

Clegg Farm Road area who are opposed to the rezone. In rebuttal, Mr. Rosenthal stated that the property cannot be developed without addressing the water issue. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to deny the rezone based on the recommendation of the Planning Commission. He stated that he does not think the proposed development is consistent with the surrounding property and has concerns about safety in regard to water and fire service as well as the condition of the roads. Commissioner Robinson seconded the motion. All voted in favor.

Charna Parker of the Planning & Development Department came before the Board for clarification of a prior rezone from A-2 to R-1 with Open Space Conservation Overlay on 61.5 acres for Burns C. Garner. Ms. Parker stated that when the applicant went before the Planning Commission, the Commission approved recommendation that the property be zoned R-1 with Green Space Overlay. She stated that the recommendation was not conveyed to the Board of Commissioners when the original rezone was considered. She stated that the applicant is requesting approval for a green space development and acceptance of the property into the County's Green Space Program. Commissioner Ayers made a motion to approve the request. Commissioner Palmer seconded the motion; voted and carried unanimously.

Bill Ross of Ross & Associates presented a resolution authorizing submittal of the Capital Improvements Element Annual Update to the Northeast Georgia Regional Development Center for Regional and State review, as per the Development Impact Fee Compliance Requirements. Commissioner Turner made a motion, seconded by Commissioner Gasaway, to adopt the resolution. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to accept the following rights of way on subdivision roads: Sandy Manor – Mary's Path; Ashland Falls – Ashland Falls Drive; Sharon Church Manor – Braswell Lane; Deep Wood Farms – Deep Wood Drive, Deep Wood Court; Guthrie Crossing – Guthrie Crossing Drive. All voted in favor.

Chairman Little presented a recommendation from Financial Consultant Bob Mulcay to offer the firms of Citigroup and BB&T the underwriting for the SPLOST \$58,915,000.00 Walton County, Georgia General Obligation Bonds Series 2006. Commissioner Ayers made a motion to approve the recommendation. Commissioner Turner seconded the motion; voted and carried unanimously.

Personnel Director Karen Fraser presented a proposal from The Archer Group to develop and prepare a new classification system and pay plan for Walton County Government. Commissioner Gasaway made a motion,

seconded by Commissioner Palmer, to accept the proposal. All voted in favor.

At 7:42 p.m., Commissioner Turner made a motion, seconded by Commissioner Atha, to enter into executive session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor.

At 8:02 p.m., Commissioner Turner made a motion, seconded by Commissioner Gasaway, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor. No decisions were made while in executive session.

At 8:03 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, DIST. 3 LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5 JOHN ROBINSON, DISTRICT 6