

December 5, 2006

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, December 5, 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, Finance Officer Christi Pickens and Charna Parker of the Planning & Development Office. 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 6:00 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 Gasaway seconded the motion. All voted in favor.

The Board considered abandonment of the roads located within Bradley Gin and Highgrove Estates subdivisions. Meridian Development Corporation requested abandonment of the roads because both subdivisions are being developed as private drive subdivisions. County Clerk Leta Talbird stated that legal advertisements were ran in the Walton Tribune and all affected property owners were notified of the proposed abandonment. Commissioner Turner made a motion, seconded by Commissioner Atha, to abandon the roads located within Bradley Gin and Highgrove Estates subdivisions. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a church on 12.95 acres located at 2245 U.S. Hwy. 278 for Royal Diadem Tabernacle. The effected property is identified on Walton County Tax Map C 158, Parcels 69, 70 & 71. Chairman Little opened the public hearing on the matter. Attorney Dick Carruthers, representing the applicant, came before the Board in support of the Conditional Use. Mr. Carruthers stated that the City of Social Circle has confirmed that there is adequate water pressure. He referenced a letter from the applicant's engineer confirming that the property meets GDOT site distance requirements. There was no one present in opposition to the Conditional Use. 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 for a guesthouse located at 221 Pleasant Valley Road for Herbert F. Malcom, Jr. The effected property is identified on WC Tax Map C 167, Parcel 23. Chairman Little opened the public hearing on the matter. Herbert Malcom, Jr. came before the Board in support of the Conditional Use. 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 the property can never be used as rental property. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve an alteration to zoning condition on case Z04050028 to reduce the minimum square footage from 2,400 square feet to 2,000 square feet for McGrath-Wages Enterprise, LLC. The effected property is located on Double Springs Church Road and is further identified on WC Tax Map C 74, Parcel 8 Split. Chairman Little opened the public hearing on the matter. Tim McGrath came before the Board in support of the request. He stated that the reason for the request is not to build an entire subdivision of 2,000 square foot homes. He stated that they are currently in the process of building five 2,400- plus square foot homes. He stated that the purpose of the request is to open up the market for people that cannot afford a \$350,000.00 home. Mr. McGrath stated that the quality of the homes they are building will fit together whether they are 2,000, 2,200, 2,400 or 2,600 square feet. Commissioner Turner asked Mr. McGrath if the square footage is reduced, will it allow for increased quality and amenities in the houses. Mr. McGrath stated that they were looking at doing a little more brick, adding some additional square footage of hardwoods, and upgrading the buying packages. Commissioner Ayers stated that the County Clerk has certified that the original developer volunteered the conditions. Mr. McGrath stated that the original developer was asking for 1,800 square feet and had agreed to bump it up to 2,000 square feet, and then through negotiations with the adjoining landowner, he agreed to go to 2,400 square feet. Commissioner Turner inquired if the Board should have a full hearing on the request with all of the other property owners. He stated that at the original hearing, the Board heard all of the pros and cons. He stated that all of the adjoining landowners had an opportunity to be here and were able to provide their opinion and input into things like this. Mr. McGrath stated that he was at the meeting were the original application was passed and there was no one present in opposition because all of the opposition had been taken care of through the negotiations with the one property owner who showed up. Charna Parker of the Planning & Development Office stated that this matter was advertised, letters were sent to effected property owners and signs had been put up on the property. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers stated that considering the fact that all of the conditions were voluntarily agreed to and there was nothing discussed at the meeting that the developer was not willing to do, he would make a motion to deny the request. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-2 to B-2 for a professional office building on 2.0 acres for RCM Commercial Investments, LLC, d/b/a Montana Development. The effected property is located on U.S. Hwy. 78 and is further identified on WC Tax Map C 61, Parcel 164 Split. Chairman Little opened the public hearing on the matter. Neil Counts 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. Commissioner Gasaway seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a land use change from commercial to industrial and a rezone from B-3 to M-1 on 4.9 acres for a trucking company for Shirley Rylee. The effected property, owned by Stephen Daryl Hayes, is located at 5584 Georgia Highway 138 and is further identified on WC Tax Map C 30, Parcel 216. Chairman Little opened the public hearing on the matter. Shirley Rylee came before the Board in support of the request. She stated that no products would be stored on the property. She stated that it would be strictly a place to service the trucks and put them back on the road and there would be a trucking company office located on the property. Commissioner Turner stated that the property is narrow and long and there appears to be a stream on the property. He asked Charna Parker of the Planning & Development Office what impact this use would have on the property. Ms. Parker stated that this use would not have an impact. She stated that if the applicant tries to make changes to the property, then they could run into some problems, but if they use it as it is right now they shouldn't have any problems. Commissioner Turner asked if the applicant will be allowed to cross the stream. Ms. Parker stated that they could, but they would have to go through a lot of engineering in order to do that. Ms. Rylee stated that currently there is a 60-inch pipe in the creek that allows access to the back and that the gentleman who uses the property now parks on the other side of the creek in a gravel area. Ms. Parker stated that if they are not adding any more impervious service, it should be o.k. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers asked what the land use plan shows for this property. Ms. Parker stated that it shows the property as commercial and that it would have to be changed to industrial. Ms. Parker stated that there is another trucking company right beside the property. After further discussion, Commissioner Gasaway made a motion to approve the land use amendment and the rezone request with the condition that the driveway will be approved by GDOT and that the property will be used specifically for the purposes that are raised here tonight for the trucking company. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from R-1 w/ Open Space Conservation Overlay to A-1 for one single-family dwelling on 2.171 acres for Bradley Gin Road, LLC. The effected property is located on Bradley Gin Road and is further identified on WC Tax Map C 177, Parcel 52B. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, 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, seconded by Commissioner Gasaway, to approve the rezone. All voted in favor.

The Board considered a request to withdraw a rezone request from A-1 to R-1 Green Space Overlay for a single-family subdivision on 29.97 acres for Scott Dodson on Monroe-Jersey Road. Commissioner Gasaway stated that she would recuse herself because her cousin owned the property and her family has property nearby. Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve withdrawal of the rezone request. Commissioners Ayers, Turner, Palmer and Atha voted in favor of the motion with Commissioner Gasaway abstaining. The motion carried 4-0.

The Board considered a Planning Commission recommendation to deny a rezone request from I-1 (M-1) to M-2 for a recycling scrap metal business for Any & All Metal Recycling, LLC. The effected property, owned by Oconee Timber Holding, Inc., is located at 1930 Alcovy Mountain Road and is further identified on WC Tax Map C 139, Parcel 13. Chairman Little opened the public hearing on the matter. Ted Reynolds came before the Board in support of the rezone. Mr. Reynolds presented various photographs for the Board's review including pictures of fencing of the type he would like to install on the property along with pictures of the property as it is now. He stated that the company does not do any shredding at the site and that they will have to follow all state regulations. Mr. Reynolds stated that he has one other metal recycling location, which he bought three years ago. Commissioner Atha inquired about what is done with the fluids from the vehicles brought in. Mr. Reynolds stated that the vehicles are put on a rack when they come in and the fluid will be drained. He stated that there would be a concrete pad under the tank and 2 ft. slab walls around it as well as a top on the tank. He stated that car parts are only about one-third of the materials taken in. Perry Glass, whose company currently owns the property, spoke in support of the rezone. He stated that the business will be a holding yard similar to what is there now. Terry Watts spoke in support of the rezone. He stated that Mr. Reynolds has done a great job cleaning up his existing scrap yard and that he believes that Mr. Reynolds will do a great job at this location, too. Attorney Jeremy Kilburn, representing homeowners in the Alcovy Mountain Road area, came before the Board in opposition to the rezone. Mr. Kilburn presented photographs of the applicant's current business for the Board's review. He also presented a photograph of a crushing machine. Mr. Kilburn stated that the photographs illustrate why the residents in the area are concerned and also illustrate why the County has zoning to begin with. He stated that uses such as this business that are an eyesore and create noise while crushing metal. Mr. Kilburn read aloud the definitions of M-1 and M-2 Districts. He stated that this property is already zoned M-1 and has been M-1 forever. He stated that there was a sawmill there and it is a fairly rural area. He stated that M-1 is a less objectionable use than M-2. He stated that M-2 uses should be as isolated as possible from major residential areas. Mr. Kilburn presented an aerial photo showing the residential areas within a one-mile radius of the property. He stated that there are currently four properties in the County Industrial Park that are open for sale. He also stated that the applicant is requesting a variance on the 300-ft. buffer required for this use. He stated that the requirements state that the yard must be at least five acres in size. He stated that if you knock off the three hundred foot buffer on each side you are left with less than an acre. Mr. Kilburn stated that in order for the applicant to have a 5 acre yard, the buffer variance will reduce the buffer to almost nothing and if approved, there will not be adequate protection for the residential areas. Mr. Kilburn stated that the property is located in the Hard Labor Creek watershed. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to deny the rezone based on the 300 ft. setback requirement and that the property is located within the Hard Labor Creek watershed area and that due to all of the residences in close proximity to the property. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve an amendment to the Walton County Land Development Ordinance A06100016 – Amendment to repeal and replace in its entirety – Article 11, Part 4 – Flood Damage Prevention Ordinance. Commissioner Turner made a motion to approve the amendment. Commissioner Palmer seconded the motion. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to adopt an ordinance to amend the Code of Walton County with respect to Fire Codes, adopting the National Fire Protection Association Life Safety Code (101), 2000 Edition with current State amendments, as adopted from time to time by the State of Georgia, the International Fire Code, 2003 Edition, as distributed by the International Code Council with current State amendments, as adopted from time to time by the State of Georgia and the fire codes referred to in O.C.G.A Section 8-2-200 et seq., as amended from time to time, and Rules and Regulations of the Safety Fire Commissioner of the State of Georgia Section 120-3-3 et seq., as amended from time to time to be incorporated into the Walton County Code by reference as if set out at length into the code section. All voted in favor.

Commissioner Ayers made a motion to adopt sign guidelines for the Stanton Springs 4-County Industrial Park. Commissioner Turner seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Palmer, to adopt the Walton County Speed Hump Ordinance. All voted in favor.

The Board considered a request from McNally & Patrick, Inc. to accept Penny Lane, located in White Oak Hill subdivision, as a public road and a request that the Board waive the curb and gutter requirement and allow a radius of 60 feet of pavement at the cul-de-sac and allow a radius of 70 feet of right of way at the cul-de-sac. Iva Hoyle, representing the applicant, came before the Board in support of the request. Commissioner Turner made a motion to approve the acceptance of right of way with the stipulation that the applicant meets the standards laid out in the letter from Chief Development Inspector Ray Johnson. He further moved to approve waiver of curb and gutter requirements with the condition that there is confirmation that the cul-de-sac will have an adequate turn radius for emergency vehicles and school buses. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Atha made a motion, seconded by Commissioner Palmer, to accept the following rights of way on subdivision streets: Harrison Mill Estates – Harris Drive, Mill Creek Court, Mill Court, Harris Court; Ivey Brook – Evan Brook Drive, Kendall Lane; Isabella Plantation – Isabella Lane; River Green Estates – Hope Lane. All voted in favor.

Commissioner Palmer made a motion, seconded by Commissioner Gasaway, to approve an annexation request from the City of Monroe – 7.401 acres – Monroe-Jersey Road. All voted in favor.

Commissioner Palmer made a motion, seconded by Commissioner Atha, to approve 2007 Alcoholic Beverage Licenses as presented, giving the Chairman the authority to approve two licenses that are pending criminal history reports. Commissioners Ayers, Turner, Palmer and Atha voted in favor. Commissioner Gasaway abstained. The motion carried 4-0.

The Board considered a Tax Assessors Office recommendation to deny a refund request from Randall Campbell. Commissioner Atha made a motion to deny the request based on the Tax Assessors Office recommendation. Commissioner Ayers seconded the motion; voted and carried unanimously.

Finance Officer Christi Pickens gave an update on the status of the FY 06 audit.

Joe Hamilton, Jack Laseter and Frank Masiello spoke during the public comment segment of the meeting.

At 7:26 p.m., Commissioner Turner made a motion, seconded by Commissioner Ayers, to enter into executive session to discuss personnel matters. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor. (Commissioner Robinson entered the meeting during executive session.)

At 8:05 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.

Commissioner Palmer made a motion to approve a letter to Fire Chief Steve Couch. Commissioner Turner seconded the motion. All voted in favor.

At 8:06 p.m., Commissioner Ayers made a motion to adjourn the meeting. Commissioner Turner seconded the motion; voted and carried unanimously.

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