

February 6, 2007

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, February 6, 2007 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 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 6:06 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

Commissioner Turner made a motion to adopt the agenda as presented, moving the Proclamation for Family, Career and Community Leaders of America Week to the beginning of the meeting. Commissioner Gasaway seconded the motion. All voted in favor.

Chairman Little read aloud a Proclamation proclaiming the week beginning February 11, 2007 as National Family, Career and Community Leaders of America Week in Walton County.

The Board considered a Planning Commission recommendation to approve an amendment to the WC Land Development Ordinance – OA06110004 – Per Errata Sheet dated 11-01-2006. The amendment updates the guidelines for R-2 zoning and adds language to the WP-1 and WP-2 watershed guidelines. Commissioner Turner made a motion to approve the amendment. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a guesthouse for Clay & Sheri Imler. The effected property is located at 1830 Piney Grove Road and is further identified on WC Tax Map C 60, Parcel 15. Chairman Little opened the public hearing on the matter. Clay Imler 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 Ayers made a motion to approve the Conditional Use with the stipulation that neither the primary residence or the guesthouse can be rented. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a guesthouse for Alice W. Shumate. The effected property is located at 2110 Monroe Jersey Road and is further identified on WC Tax Map C 78, Parcel 106. Chairman Little opened the public hearing on the matter. Alice Shumate 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 Atha made a motion to approve the Conditional Use with the stipulation that neither the primary residence or the guesthouse can be rented. Commissioner Gasaway seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request - Z06100029 - from A-1 to R-1 with GS Overlay on 193.22 acres for a single-family residential subdivision for Montana Development, Inc. The effected property, owned by Niedersachsen Properties, LP, is located on Loth Wages Road and is further identified on WC Tax Map C 58, Parcels 1 and 8. 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 stated that a letter preserving the applicant's Constitutional rights was filed for the record with the Planning & Development Office. Mr. Rosenthal stated that the proposed neighborhood would have approximately 164 lots to be developed as an R-1 with GS Overlay, which will allow for approximately 55 acres along the river to be deeded to the county as part of the greenspace program. He stated that the subdivision would be in keeping with parcels in the immediate vicinity. He stated that the development complies with the future land use map and that the applicant will comply with all development standards and would comply with all concerns noted in the staff report. He stated that the applicant is aware that they will have to bring water to the property and that it has to be an 8-inch main to meet fire flow requirements. He stated that although it is not listed within the report, the applicant assumes that the county will ask them to loop the line, coming in off of both roads that are proposed off of the entrance. He stated that there would not be an entrance to the development off of Hwy. 81, but there will be two entrances off of Loth Wages Road. Mr. Rosenthal stated the applicant would agree to a condition that there will be no vinyl siding and that all exterior product will be masonry, stone, stucco, hardy plank, brick or other form of masonry product. He stated that he and Attorney Lee Thompson, representing Lori and Chester Rand, have discussed the Rand's concerns and that he believes that they have come to a happy medium. Mr. Rosenthal stated that he has met with Lewis Eberhart, who lives across the street from the property, to address several of his concerns. Mr. Rosenthal stated that the Rand's have requested a fence be installed along their property line and the applicant is willing to do that. He stated that the Rand's have requested that the undisturbed buffer along their property line be increased to 100 feet and that the applicant is willing to increase the

buffer from 50 feet to 75 feet. He stated the Rand's requested Leyland cypresses be planted on the inside of the buffer, but the expense is too excessive for the applicant to agree to that. Mr. Rosenthal stated that the applicant would take care of the street light concern and take care of the stub-out for the water system. Commissioner Turner stated that, based on the information the Board has, the 8-inch line will only take you to 750 gallons per minute for fire flow and that according to the fire department, because of how close the houses are together, 1,000 gallons per minute will be needed. Commissioner Turner asked Mr. Rosenthal if the applicant would be willing to put in a bigger line. Mr. Rosenthal stated that according to the water department recommendation, an 8-inch line would be sufficient. Jimmy Parker of Precision Planning, Inc. stated that it is likely that an 8-inch line would be sufficient in a development located that close to the water tank. Mr. Rosenthal stated the applicant will comply with the required and requisite development standards, and if the development requires a 10-inch line to get the fire flow up, the applicant will comply. Attorney Lee Thompson, representing Lori and Chester Rand, who own property immediately adjacent to the proposed development, came before the Board in opposition to the rezone. Mr. Thompson referenced a letter submitted to the County Clerk for the record that addresses the Rand's issues regarding the rezone. Mr. Thompson stated that the Rand's own a 21-acre farm that is zoned A-1 that has a common border of over 1,000 feet with the proposed development. He stated that according to the site plan the Rand's have been shown, there will be approximately 12 lots that will back up to the Rand's property line. He stated that the Rand's are opposed to the rezone and believe that the land in this area should remain zoned A-1. Mr. Thompson stated that the discussion previously held regarding fire flow and the need for water lines emphasizes that the infrastructure in this area is not appropriate for this type of development. He stated that Loth Wages Road is not designed to accommodate a subdivision of 164 additional houses on the road. Mr. Thompson stated that much of the land adjacent to the property is zoned A-1. He stated that the Alcovy River is on one side of the property and the Rand's are on the other side. He stated that although this is a proposed greenspace overlay, there is no sewer in the area and there will be 164 septic tanks immediately adjacent to the Alcovy River and the Rand's farm, which has well water. Mr. Thompson stated that these are issues that the Board should be concerned about when considering putting 164 additional homes in this area. Mr. Thompson stated that the applicant contends that the county should allow them to have R-1 zoning on the property because the R-1 zoned property immediately adjacent to the their property has made it economically unfeasible for them to continue to use the property as A-1, yet when asked if the rezone would devalue and degrade the property value of the Rand's, they state that there would be no devaluation of the Rand's property values. Mr. Thompson asked the Board to look at the 16 standards that the county's ordinance requires. He stated that he believes that if the Board looks at those

16 standards, they would determine that this is not an appropriate zoning. He added that the schools in the area are already at capacity. Mr. Thompson requested the Board deny the rezone. He stated that should the Board decide to rezone the property, the conditions the Rand's believe need to be placed on the rezone are addressed in the letter submitted for the record. Mr. Thompson then reviewed those conditions with the Board. The Board reviewed the preliminary plat and discussed the lots drawn close to the river and to the flood plain. Mr. Rosenthal stated in rebuttal that the code requires that all greenspace must be along the river. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone with Conditions 6, 5, 4, and 3 as stated in the letter from Thompson & Sweeny, P.C., that Condition 2 will be a 75-ft. buffer placed along the Rand property line without putting in trees, no alternative septic systems on lots along the Alcovy River, the minimum buffer on the Alcovy River will be increased to 150 ft., no construction will begin until the fire protection is worked out at a supply of at least 1,000 gallons per minute to be certified by the Walton County Water Authority, and the 8-ft. fence stipulated to in Condition 1 will be constructed prior to the building of any houses. Commissioner Gasaway seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve alteration to zoning conditions on zoning case Z06040003 for Stillwater Communities, Inc. – AZ06120004 – The effected property is located on Old Sharon Church Road/Georgia Hwy. 20 and is further identified on WC Tax Map C 7, Parcel 48A. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. Mr. Rosenthal requested the record reflect that a letter preserving the applicant's Constitutional rights was filed with the Planning & Development Department. Mr. Rosenthal stated that the rezone was conditioned that there would be no construction until a water tank is installed. Mr. Rosenthal submitted a letter from Jimmy Parker of Precision Planning, Inc. regarding the West Walton Water System Improvements Project which states that they are now designing several water system improvements that will improve current system operations in the area of Sharon Church Road and State Route 20. Mr. Rosenthal requested the Board change zoning condition number 7 which stipulates 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. He stated that the applicant requests the Board change the condition to say that no building permits or certificates of occupancy can be issued until the West Walton Water System Improvements Project is completed. Jimmy Parker gave an update on planned water system

improvements. He stated that the Water Authority has advertised for bids and anticipates receiving those bids to be reviewed and placed on the March 1, 2007 agenda for consideration. He stated that construction would start in April and project completion would likely be in July or August of this year. Mr. Parker stated that his firm did look at the water tank project and it did not solve the water pressure problems in that area. After further discussion, Commissioners Robinson, Ayers and Turner expressed concerns regarding legal obligations the county would have if the Board allowed the infrastructure for the development to be built out. There was no one present in opposition to the request for alterations to the zoning condition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the developer to install the infrastructure; however, no construction of any homes and no building permits will be issued until the fire flow as measured by a combination of the Water Authority and Precision Planning being a minimum of 1,000 gallons per minute serving that development. Commissioner Atha seconded the motion. Commissioners Turner, Gasaway, Palmer and Atha voted in favor of the motion. Commissioners Ayers and Robinson opposed the motion. The motion carried 4-2.

Commissioner Robinson made a motion, seconded by Commissioner Atha, to accept the following rights of way on subdivision roads: Silver Thorne II – Silver Thorne Drive, Silver Thorne Court, Amber Drive and The Royal Club – Royal Lane. All voted in favor.

The Board considered an annexation request from the City of Monroe for property located on Hwy. 138 containing 14.14 acres, further identified on Walton County Tax Map C 95, Parcel 9 and 4.223 acres further identified on Walton County Tax Map C 95, Parcel 9A. Commissioner Atha made a motion to approve the annexation. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a request from Meridian Homes at Weston, LLC for abandonment of a road known as Weston Way to allow for a gated private community in accordance with the Walton County Development Ordinances. Attorney Paul Rosenthal, representing Meridian Homes, came before the Board in support of the request. Commissioner Gasaway made a motion to initiate the abandonment process on Weston Way. Commissioner Palmer seconded the motion. All voted in favor.

Jimmy Parker of Precision Planning, Inc. presented an update on plans for intersection improvements at Bold Springs Road and Carl Davis Road. Commissioner Palmer made a motion to authorize the County Clerk and Road Superintendent to proceed with right of way acquisition on this project. Commissioner Atha seconded the motion; voted and carried unanimously.

Mr. Parker presented an update on plans for intersection improvements at Bay Creek Church Road and State Route 81. Mr. Parker stated that GDOT is being asked to revise payment quantities for the project. Commissioner Ayers made a motion, seconded by Commissioner Palmer, to authorize the County Clerk and Road Superintendent to proceed with right of way acquisition on this project. All voted in favor.

Finance Officer Christi Pickens presented the final billing from Bates, Carter and Company for the FY 2006 audit. The Board discussed additional billing over the original contract amount resulting from the need for hastened completion of the audit for bonding purposes. Commissioner Turner made a motion to approve payment of additional billing from Bates Carter and Company in the amount of \$34,233.94. Commissioner Ayers seconded the motion. Commissioners Ayers, Turner and Gasaway voted in favor of the motion. Commissioners Palmer, Atha and Robinson opposed the motion. Chairman Little voted in favor of the motion. The motion carried 4-3.

During the public comment segment of the meeting, Paul Rosenthal commented on fire flow requirements.

At 7:41 p.m., Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to enter into executive session to discuss personnel and real estate matters. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor.

At 9:32 p.m., Commissioner Gasaway made a motion, seconded by Commissioner Atha, to return to regular session. No votes were taken while in executive session.

Commissioner Palmer made a motion, seconded by Commissioner Gasaway, to continue due diligence on evaluations of the Booth property according to engineering cost estimates. All voted in favor.

Commissioner Palmer made a motion, seconded by Commissioner Gasaway, to entertain the hiring of an Assistant Finance Director and to authorize the Chairman to establish the criteria and salary of the position. Commissioners Ayers, Turner, Gasaway, Atha and Palmer voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

At 9:34 p.m., Commissioner Atha made a motion to adjourn the meeting. Commissioner Gasaway 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