

May 1, 2007

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, May 1, 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 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.

Justin Ellis, Nancy Stangle of the Athens Land Trust and Dale Wiley came before the Board to request County funding as part of Mr. Wiley's application to have his farm accepted into the Farm & Ranch Lands Protection Program. Mr. Ellis gave a power point presentation with information about the Program and Mr. Wiley's farm. Commissioner Ayers requested that a decision on the request be added to the agenda.

Chairman Little called the meeting to order at 6:16 p.m. and led those present in the Pledge of Allegiance. Commissioner Gasaway opened the meeting in prayer.

Commissioner Gasaway made a motion to adopt the agenda with the addition of Mr. Wiley's request. Commissioner Palmer seconded the motion. All voted in favor.

The Board discussed Mr. Dale Wiley's request for funding as part of his application to have his farm accepted into the Farm & Ranch Lands Protection Program. Chairman Little stated that the Board had agreed to participate in Hubert Harris' application for the same program for The Harris Homestead but that Mr. Harris has decided not to apply for the program. Chairman Little stated that the Board had committed \$75,000.00 in S.P.L.O.S.T. funds for The Harris Homestead. He stated that he would support those funds being committed to Wiley Farm. Commissioner Robinson stated that it critical for the Board to look at what the County committed to spend S.P.L.O.S.T. funds on. Commissioner Turner stated that he would need more time to review the request and would not be prepared to vote on the matter at this meeting. Commissioner Robinson concurred. Ms. Stangle stated that the application has already been submitted and that she would find out how much time Mr. Wiley has to secure funding. Commissioner Gasaway suggested that a special meeting could be called if it is determined that a decision on the funding is needed before the next regularly scheduled meeting of the Board. Chairman Little stated that there

is a good possibility that the Board will hold a called meeting at the middle of the month. No action was taken on the matter.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a guesthouse with a variance to increase minimum square footage for Barbara and Roy Carter – CU07030002. The effected property is located at 3540 Odessa Way and is further identified on WC Tax Map C 60, Parcel 57 E. Chairman Little opened the public hearing on the matter. Barbara Carter 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 the applicant will build the guesthouse within the County's current regulations. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve alteration to zoning conditions placed on rezone Z04040002 for South Eastern L and D, LLC. – AZ07030001. The effected property is located on Hickory Grove Church Road and is further identified on WC Tax Map N72C, Parcels 1 through 63 located in Chapman Grove Estates. Chairman Little opened the public hearing on the matter. David Steele, majority owner of South Eastern L and D, LLC, came before the Board in support of the request. Mr. Steele requested that he be allowed to use alternative masonry products rather than brick or rock in the gables on the front of the houses to be built. Mr. Steele presented photographs of homes in the area and of the type of homes he proposes to build. Phil Little spoke in opposition. He stated that the owner of another development that was a part of the original rezone is building all brick front homes as the Board originally required and that another developer agreed to increase the minimum square footage on the houses he is building in order for the Board to allow him to use other materials on the front of the houses. Mr. Little stated that it would not be fair to the other builders if the Board granted Mr. Steele's request. Mark McMMain and Eddie Daugherty spoke in support of Mr. Steele's request, stating that the new trend is southern style hybrid homes built of brick and other materials such as hardy plank. Mr. Daugherty stated that the southern style homes add character to a neighborhood and do not take anything away. In rebuttal, Mr. Little stated that he was not trying to dictate the style of the homes, but rather the value of the homes and that square footage does affect the value. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the alteration in zoning conditions to be able to put something different in the gables, not necessarily a 25 percent reduction, but to be able to use something different. He stated that in researching this, it is the trend that it adds contrast to use something different in the gables. Commissioner Palmer 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.

The Board considered a Planning Commission recommendation to approve a rezone from R-1 Open Space Conservation Overlay to R-1 with a variance on 1.00 acre for one existing single-family residence for Von Itter & McGee, Inc. – Z07030005. The effected property, owned by Rangasammy Chunasamy, is located on Old Monroe-Madison Highway and is further identified on WC Tax Map C 183, Parcel 14 Split. Chairman Little opened the public hearing on the matter. Charna Parker of the Planning & Development Department presented the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone with the condition that running water is available. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 with 2400 Overlay Subdivision for David Willet – Central Georgia Development Group, Inc. – Z07030006. The effected property, containing 38.2128 acres, is located on North Sharon Church Road and is further identified on WC Tax Map C 24, Parcel 18. Chairman Little opened the public hearing on the matter. David Willett came before the Board in support of the rezone. He stated that there is a cemetery on the property and that he would meet all county requirements in preserving and protecting the cemetery area. He stated that he is willing to condition the rezone on no vinyl siding. Mr. Willett stated that there is an ingress/egress easement on the property that Mr. Tom Hutchins uses to access his property. Mr. Willett stated that he is willing to give Mr. Hutchins an easement off of the cul-de-sac in the subdivision or Mr. Hutchins can keep the easement he is using now. Commissioner Ayers asked Mr. Willett if he would be willing to pave the drive from the cul-de-sac up to the other properties. Mr. Willett stated that he would pave the drive in exchange for Mr. Hutchins relinquishing the other easement. Commissioner Turner stated that there is currently insufficient fire flow for the development. Mr. Willett stated that he would wait for the line to go in. (Walton County Water & Sewerage Authority stated in the case file that after Sharon Church Road improvements, the projected fire flow will be 1,100 gpm @ 20 psi.) Tom Hutchins stated that he would not be opposed to an easement off of the subdivision if he will not be required to adhere to any homeowners association covenants or bylaws. Mr. Hutchins stated that the current easement is 40 ft. wide and he is concerned if Mr. Willett develops right up to the easement, it will undercut his driveway. Mr. Willett stated that there is not a plan for a homeowners association and there are no restrictions other than square footage and no vinyl siding. Carol Watson, who owns three houses in front of the proposed development, spoke in opposition. She stated

that she is concerned for her tenants' safety and privacy. She stated that she would like some type of fence along the property line. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone with the following conditions: Mr. Willet will work with the adjacent land owner, Mr. Hutchins, to work out the access through the subdivision as they have agreed to and if there is a homeowners association, Mr. Hutchins will not be required to be part of it; and that no building permits will be issued on the property until the fire flow is at sufficient levels. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from A-2 to B-2 on 4.30 acres for a Professional Business Office and A-2 to R-1 with Green Space Development on 70.86 acres for Montana Development, Inc. – Z07030008. The effected property is located on U.S. Highway 78 and is further identified on WC Tax Map C 61, Parcels 164 & 165. 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 dated May 1, 2007 that is on file in the Planning & Development Office. He stated that the homes would be in the range of 1,800 sq. ft. to 2,200 sq. ft. He added that the applicant does not have an issue with the rezone being conditioned on no vinyl siding. Commissioner Turner inquired how the developer proposes to handle the wetlands as far as the entrance into the subdivision. Mr. Rosenthal stated the applicant will have to comply with all buffer requirements and that he assumes there will be a large box culvert installed to cross the creek and the wetland area. 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 stipulation that access to the green space will be provided through the subdivision. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve amendments to the Walton County Land Development Ordinance per Errata Sheet dated 03-01-07 – OA07030021. Charna Parker of the Planning & Development Office reviewed the proposed amendments with the Board. Commissioner Turner made a motion to approve the amendments. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Ayers made a motion, seconded by Commissioner Atha, to accept the following rights of way on subdivision roads: Crystal Springs Estates II – Honey Lane; The Ridge at Dry Pond – Preston Conner Blvd. & Peyton Drive. All voted in favor.

The Board considered a request from David Willett of East Atlanta Properties

to waive paving requirements for a proposed development on Lower Jersey Road and Pratt Road. David Willett came before the Board in support of his request. He stated that in exchange for the waiver, he would agree to raise the minimum square footage of the houses to 2,000 sq. ft. and to use no vinyl siding. There was no one present in opposition. Commissioner Gasaway made a motion to deny the request. Commissioner Turner seconded the motion; voted and carried unanimously.

Personnel Director Karen Fraser presented an Employee Benefits Committee recommendation to accept a proposed insurance package from Lincoln Financial Group for employee life insurance and disability insurance. Gordon Lundquist of Braden Benefit Strategies, Inc. reviewed the proposal with the Board. Commissioner Robinson made a motion to accept the proposal from Lincoln Financial Group and to authorize the Chairman to execute the contract and necessary documents. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Palmer made a motion to appoint Gene McIntosh to the Walton County Planning Commission representing Commission District 4. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Gasaway made a motion to authorize Chairman Little to contact Attorney Jeremy Kilburn to see if he is interested in serving as an alternate member on the Walton County Personnel Advisory Board. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered bids received for equipment for the Public Works Department. Commissioner Ayers made a motion to accept the following bids: Cobb County Tractor – Rubber Track Loader - \$50,254.00, Cobb County Tractor – Tractor w/ cab - \$26,468.00 & Hertz Equipment – Trench Roller - \$26,940.00. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Recreation Director Jody Johnson presented proposals received on playground equipment for the three unincorporated parks. Commissioner Turner made a motion, seconded by Commissioner Robinson, to accept the proposal from Hasley Recreation and Design, Inc. in the amount of \$40,000.00 for each of the three parks. All voted in favor. Commissioner Turner stated that it would be a good idea to utilize the Kiosk Sign Program to direct people to the parks.

The Board considered a refund request from Enterprise Leasing Company for Ad Valorem taxes and the mail fee paid on a 2004 Ford Ranger that the company had already sold. Commissioner Palmer made a motion to deny the refund. Commissioner Robinson seconded the motion. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Robinson, to approve payment of the March invoice from CLH&P, LLC in the amount of \$4,550.25. All voted in favor.

Paul Rosenthal spoke regarding the Land Conservation Program during the public comment segment of the meeting.

At 7:54 p.m., Commissioner Turner made a motion, seconded by Commissioner Palmer, to adjourn the meeting. All voted in favor.

All documents 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