

November 6, 2007

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, November 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 and Gerald Atha, County Clerk Leta Talbird, County Attorney Kirby Atkinson 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 Robinson did not attend the meeting due to illness.

Chairman Little called the meeting to order at 6:02 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

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

The Board considered a Planning Commission recommendation to approve a Land Use Amendment from Commercial to Office Professional and rezone from R-1 to O-I on 2.5 acres for Commercial Offices for Stewart V. (Bill) Bowers, Jr. - LU 07090016 and Z07080020. The affected property is located at 1335 Georgia Highway 11 North at Parker Drive and is further identified on WC Tax Map C 90, Parcel 11. Chairman Little opened the public hearing on the matter. Lee Malcom, representing Bill Bowers, 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 Land Use Amendment and rezone as presented. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Land Use Amendment from Medium Density to High Density Residential and rezone from B-2 to A-1 on 49.57 acres for an Equestrian Center and rezone from B-2 to R-1 on 23.64 acres for a residential subdivision for S.A.R. & Associates -LU 07080024 and Z07080025. The affected property, owned by Golden Monroe, LLC, is located on U.S. Highway 78 and is further identified on WC Tax Map C 177, Parcels 36 Split & 36A Split. Chairman Little opened the public hearing on the matter. General Contractor & Developer Steve Rochlin came before the Board in support of the request. Edward Locklin, who resides at 955 Snip Dillard Drive, expressed his concern regarding the existing private road that adjoins both the affected property and his property. He stated that the previous owner of the affected

property intentionally cut the private road and directed water onto his property. He requested the applicant be required to correct the water problem. Mr. Locklin also requested a privacy fence be built along the private road. Mr. Rochlin agreed to correct the water problem on the private road. He added that the applicant plans to install approximately 3,000 feet of three-board farm fencing along the private road. Gary Werneke, representing the residents of Forest Ridge Subdivision, spoke in opposition to the request. He expressed concern regarding continued development with the current water situation. He stated that all non-essential water use should be stopped and urged the Board to approve a six-month moratorium on development due to the drought. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the Land Use Amendment and rezone with the stipulation that the Code Office will work with Mr. Locklin and the developer on the water issue and the installation of preferably a fence instead of cypress trees. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a Land Use Amendment from High Density Residential to Mixed-Use Community Center and rezone from A-1 to TC on 26.88 acres for James M. Bonner - LU 07080028 and Z07080032. The affected property, owned by Billy Greene, is located at 3520 U.S. Highway 78 & Twin Lakes Road and is further identified on WC Tax Map C 43, Parcel 31. Chairman Little opened the public hearing on the matter. Jim Bonner 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 Turner made a motion, seconded by Commissioner Gasaway, to approve the Land Use Amendment and rezone as requested in the application. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Land Use Amendment from High Density Residential, Commercial and Office/Professional to Medium Density Residential and rezone from A-2 to A on 11.31 acres for expansion of an existing Commercial Kennel for Pamela DeHetre - LU 07090002 and Z07090001. The affected property is located at 5126 Georgia Highway 81 and is further identified on WC Tax Map C 16, Parcel 24. Chairman Little opened the public hearing on the matter. Pamela DeHetre came before the Board in support of the request. Ms. DeHetre requested the Board waive all site development requirements that would normally be required. She also requested a refund for the application fee based on the fact that the kennel has been operating for years as a legal non-conforming (grand-fathered) use. Planning Director Mike Martin stated that prior to the permit being issued, the Georgia Department of Transportation would have to approve a driveway permit for the southerly driveway. He stated that there is a potential issue with lack of sight distance. There was no one present in opposition. Chairman Little closed the public

hearing on the matter. Commissioner Ayers made a motion to approve the Land Use Amendment and rezone as requested in the application. He further moved to refund the application fee in the amount of \$200.00. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a Land Use Amendment from High Density Residential to Commercial and rezone from MH (A-2) to B-2 on 2.32 acres for a Professional Office Park for Jason Wall - LU 07090003 and Z07090004. The affected property is located at 2464 U.S. Highway 278 and is further identified on WC Tax Map C 158, Parcel 18. Chairman Little opened the public hearing on the matter. Jason Wall came before the Board in support of the request. Mr. Wall requested a reduction in the required transitional buffer from 50 feet to 25 feet. He also requested the Board consider approval to use the existing modular home located on the property as a temporary office. He stated that he wants to rehabilitate the modular home as a caretaker cottage or for storage. Planning Director Mike Martin stated that the modular home would have to be brought up to current code for use as a commercial building and that if it were used for storage, the modular home would have to be gutted. There was no one present in opposition. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the Land Use Amendment and rezone as requested with the condition that there will be a twelve month limit on use of the modular home as office space. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to A on 5.0 acres for an Organic Farm for Alexander Rilko and Jacqueline Coburn - Z07090006. The affected property is located on H.D. Atha Road and is further identified on WC Tax Map C 81, Parcels 33 & 34. Chairman Little opened the public hearing on the matter. Alex Rilko 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 Gasaway made a motion to approve the rezone only as an organic farm, based on the site plan and letter submitted on 8-31-07 and the installation of a commercial driveway. Commissioner Turner seconded the motion; voted and carried unanimously.

Associate Planning & Development Director Charna Parker presented an amendment to the Walton County Land Development Ordinance OA07090007 - Adding Tire Manufacturing as a permitted use in the Multi-County Mixed Use Business Park Zoning District (Per errata sheet dated 9/4/07). Commissioner Ayers made a motion to approve the amendment as presented. Commissioner Gasaway seconded the motion. All voted in favor.

County Attorney Kirby Atkinson presented a proposed Outdoor Water Use Ordinance for the Board's consideration. Chairman Little opened the public hearing on the matter. Commissioner Turner stated that he is very concerned that there are no warning provisions in drought level three and level four of the proposed ordinance. Gary Werneke spoke during the public hearing. He stated that a shortage of water does not give anyone the authority to violate his rights. Chuck Bagley stated that he did not believe warnings should be allowed in levels three and four. Diane Shockey stated that this is a perfect opportunity to use public access television to educate people who may not know about the severity of the drought. Chairman Little closed the public hearing on the matter. After further discussion, Commissioner Turner made a motion to adopt the Outdoor Water Use Ordinance with warning provisions added to drought level three and four penalties. Commissioner Atha seconded the motion. Commissioner Ayers stated that he would support an amendment to the ordinance that states that one warning will be issued per residence per drought event. Jimmy Parker of Precision Planning stated that drought levels three and four are critical levels and if additional warnings are allowed it could encourage unapproved water use. After further discussion, Commissioner Turner amended his motion to adopt the Outdoor Water Use Ordinance with the provision of one warning per residence per drought event. Commissioner Atha seconded the amended motion. All voted in favor.

Commissioner Ayers made a motion to adopt a resolution adopting the Community Agenda for the Walton County Comprehensive Plan. Commissioner Atha seconded the motion; voted and carried unanimously.

Development Authority of Walton County Chairman Morris Jordan and Executive Director Nancy Kinsey requested the Board guarantee a loan in the estimated amount of \$700,000.00 for improvements to property located within Piedmont Industrial Park. A site plan showing the proposed improvements was presented for the Board's review. Commissioner Palmer made a motion to approve guarantee of the Development Authority loan for improvements within Piedmont Industrial Park. Commissioner Gasaway seconded the motion. All voted in favor.

Employee Benefits Committee Chairman John Allman presented the Committee's recommended 2008 holiday schedule. Commissioner Ayers made a motion to approve the 2008 holiday schedule as recommended by the Employee Benefits Committee. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a change order for the County's contract with ISC, Inc. for GDOT Project TSAP0-S010-00 (537) Turn Lane Addition - Sharon Church Road. Commissioner Turner made a motion to approve the change order in an amount not to exceed \$18,000.00. Commissioner Ayers seconded

the motion. All voted in favor.

Commissioner Ayers made a motion that all future contracts approved by the County shall be subject to inclusion of language regarding new immigration laws. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Gasaway made a motion to authorize the County Attorney to prepare a time extension agreement with George Baker, Jr. for the Russell Drive Extension and to authorize the Chairman to execute the agreement. Commissioner Palmer seconded the motion. All voted in favor.

Central Communications Director Wendra Williams presented a contract change order with Motorola, Inc. for the 800 MHz radio system upgrade. Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve the change order in the amount of \$146,368.44. All voted in favor.

Gary Werneke, Diane Shockey and Chuck Bagley spoke during the public comment segment of the meeting.

At 7:35 p.m., Commissioner Ayers made a motion to adjourn the meeting. Commissioner Atha 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