

April 1, 2008

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, April 1, 2008 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 Kirklyn Dixon, County Clerk Leta Talbird, County Attorney Kirby Atkinson, Personnel Director Karen Fraser, Finance Director Linda Hanna 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.

Walton County Fire Chief Mike Moore recognized recently promoted Battalion Chiefs, Captains and Lieutenants. Training Officer John Marsh presented certificates of achievement to volunteers who recently completed certification.

Rick Holder spoke to the Board regarding reactivation of the Walton County Heritage Commission.

Chairman Little called the meeting to order at 6:27 p.m. and led those present in the Pledge of Allegiance. Commissioner Dixon opened the meeting in prayer.

Commissioner Turner made a motion to adopt the agenda with a requested addition and the deletion of Assistance to Firefighters Grant application. Commissioner Ayers seconded the motion. All voted in favor.

Commissioner Gasaway made a motion to approve the minutes of the March 4, 2008 meeting. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve withdrawal of a Land Use Amendment from Neighborhood Residential to Highway Corridor on 71.17 acres and rezone from R-1/GS to B-3 on 56.78 acres for Montana Development, Inc. - 2348 U.S. Hwy. 78 - District 1 - LU08010002 & Z08010001. There was no one present opposing withdrawal of the request. Commissioner Ayers made a motion, seconded by Commissioner Dixon, to approve withdrawal of the request. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from R-1 to B-1 on 6.03 acres for a neighborhood convenience store

for Shawn Ali - Z07110018. The effected property, owned by Johnny E. Palmer, is located at the intersection of GA Highway 81 and Jersey Walnut Grove Road and is further identified on WC Tax Map C 54, Parcels 260A, 260B & 261. Chairman Little opened the public hearing on the matter. Attorney Kathy Zickert, representing the applicant, came before the Board in support of the rezone. Ms. Zickert presented a revised site plan with changes based on objections raised at the Planning Commission meeting. The site plan includes two rows of Leyland Cypress and a fence to create a visual screen along the property line of the R-1 tract of property immediately next to the subject property. Ms. Zickert stated that the applicant has committed to install only the kind of lights that shine downward and inward so that the glare does not come off of the property. She stated that an issue was raised about watershed at the Planning Commission meeting and their research determined that the subject property is not physically located in the particular watershed that was a concern. She stated that the property's runoff feeds into a culvert that the Georgia Department of Transportation put under the highway a long time ago. Johnny Palmer, owner of the subject property, stated that the property has been for sale for several years. He stated that he feels that this would be the best use of the property. Allen Rice spoke in opposition to the rezone. He stated there is not a great need for a convenience store at this location. Mr. Rice expressed concern about the possibility of increased crime and loitering in the area. He added that gasoline and oil from the parking lot could run off and flow down stream into a watershed. Mr. Rice also expressed his concerns regarding lack of infrastructure and low water pressure in the area. Martha Parker spoke in opposition to the rezone. She stated that the majority of the property in the area is zoned A-1 or R-1 and is a settled, stable community that is still able to maintain a good quality of life. She expressed her opposition to commercial development on the subject property. She stated that she is opposed to the sale of alcohol and the trash that comes from an establishment like a convenience store. In rebuttal, Ms. Zickert stated that Walton County is continuing to grow and traffic levels on the highway will continue to grow and unfortunately the precedent in terms of what is there in the area was set long before this application was filed. She stated that there is a truss manufacturing plant located 300 feet to the north on the west side of Highway 81 as well and an LP gas pump station that are both zoned M-1. Ms. Zickert identified other commercial properties in the area. She stated that when a zoning application is being evaluated, whether there is a need for a convenience store in the area is irrelevant. Ms. Zickert stated that the rezone is compliant with the County's Land Use Plan and approval has been recommended by the Planning Commission and staff. The applicant, Shawn Ali, stated that the store's hours of operation would be from 5:00 a.m. until 9:00 p.m. He added that as with other stores he operates in the area, the staff is friendly and the stores are clean. Mr. Ali stated that after hours the only lights left on are on the perimeter of the building for security purposes. He

stated that he would comply with whatever GDOT requires for a turn lane and would follow all County rules and regulations. Commissioner Gasaway inquired if Mr. Ali was willing to install a buffer on the street side of the property. Mr. Ali stated that he would be willing to entertain installing the buffer and would get his engineer and GDOT to determine the feasibility of a buffer along the street side of the property. Commissioner Gasaway asked Planning Director Mike Martin if he has assurances that there would be no danger in the flood plain areas. Mr. Martin stated that the County has flood plain ordinances and has adopted a full range of water quality controls required by the State. He stated that the County performs hydrology studies to insure compliance and erosion and sediment control procedures that will be enforced. He stated that he does not believe this development will impact the flood plain. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Gasaway stated that she understands the concerns of both parties, but that the report from the Sheriff's Department states there will be no impact on the Department and the Water Authority indicates there should be no system impact and the Fire Department reports there should be no problem. She stated that the Board wants to insure that some of the concerns of the area residents are addressed on this issue. Commissioner Gasaway made a motion to approve the rezone as presented with the following conditions: The lighting will be only shown downward and inward, that only security lighting will remain on after 9:00 p.m., that there will be a buffer along the street side of Leyland Cypress that would prevent viewing of the store from other properties. Attorney Kathy Zickert interjected that site distance would be a concern if a buffer is required on the street side of the property. She stated that people will be making turns out of the parking lot and if you install a buffer of tall trees, you will have a hard time seeing to get out of the driveway. She suggested planting lower shrubs that would screen headlights but would allow people to see when turning out onto the street. Commissioner Turner suggested that the building and buffer should be pushed back so that you have site distance coming onto the highway. Commissioner Gasaway stated that there should be a buffer installed on the street side to buffer the other property owners in the area. Commissioner Gasaway further conditioned approval of the rezone to include the turn lane as required by GDOT and two rows of Leyland Cypress at 6 feet on centers as shown on the revised site plan. Chairman Little asked Planning Director Mike Martin if the County would require a decel lane at the entrance off of Jersey Walnut Grove Road. Mr. Martin stated that being that the entrance is in close proximity of a residence, a wider commercial radius would be required. Mr. Martin stated that the screen requirement along the front of the property on the highway is going to be difficult to interpret. Commercial Atha stated that the setback should be far enough back to meet site distance requirements. After further discussion, Commissioner Gasaway amended her motion to state that the setback should be far enough back to meet site distance requirements and to allow infill on the front of the property

with smaller shrubs to block headlights. Commissioner Ayers seconded the motion. Commissioners Ayers, Gasaway, Palmer, Atha and Dixon voted in favor of the motion. Commissioner Turner opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a rezone from MH (A-2) to B-3 on 6.82 acres for a used car lot for Dennis Whitaker – Z08010015. The effected property, owned by Joe P. Crump, is located at 5703 Georgia Highway 138 and is further identified on WC Tax Map C 30, Parcel 185. Chairman Little opened the public hearing on the matter. Dennis Whitaker 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. Commissioner Palmer seconded the motion; voted and carried unanimously.

Finance Director Linda Hanna presented contracts and budgeted purchases of \$2,500.00 or greater for the Board's consideration. Commissioner Ayers made a motion, seconded by Commissioner Dixon, to approve contracts and purchases as presented. All voted in favor.

The Board considered an FY 2008 departmental budget transfer for the Recreation Department in the amount of \$20,000.00 to purchase a trailer and mowers. Commissioner Turner made a motion to deny the transfer request and to consider approval of the equipment purchases in the FY 2009 budget process. Commissioner Atha seconded the motion; voted and carried unanimously.

Recreation Director presented a proposed budget for the Passive Park located in Jersey. Mr. Johnson suggested using 2001 SPLOST funds allocated for recreation to fund the park improvements. Commissioner Gasaway made a motion to approve the proposed budget with funds from the General Fund "Other" account. Commissioner Dixon seconded the motion. Commissioners Ayers, Gasaway, Palmer, Atha and Dixon voted in favor of the motion. Commissioner Turner opposed the motion. The motion carried 5-1.

Facilities Manager Joyce Chambers presented proposals to rebuild the Vehicle Maintenance Building along with a proposed budget in the amount of \$143,935.70. Ms. Chambers requested the Board approve the budget as presented, along with the necessary budget amendment. She also requested the Board authorize the SPLOST Committee to review the proposals and accept the low bid. Commissioner Ayers made a motion to approve the request as presented. Commissioner Palmer seconded the motion. All voted in favor.

Fire Chief Mike Moore requested the Board approve an FY08 departmental budget transfer and budget amendment for the purchase of a fire truck. Finance Director Linda Hanna presented budget transfers in the amounts of \$135,000.00 and \$10,000.00 from the Fire Department's current budget and a budget amendment in the amount of \$48,412.00 from fund balance. After discussion, Commissioner Dixon made a motion to approve the purchase of the fire truck and to have the Fire Chief come back to the Board at the end of the fiscal year to look at the Department's line item budget balances to determine if the total cost can be funded from current budgeted funds and if not, to fund the remaining balance from the FY 2009 budget. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a Public Works Department request for approval of additional roads for the SPLOST paving project. Commissioner Ayers made a motion to approve the additional roads as presented. Commissioner Gasaway seconded the motion. All voted in favor.

Personnel Director Karen Fraser presented employee new hires and promotions for the Board's approval. Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to approve new hires and promotions as presented, for the record. All voted in favor.

Jimmy Parker of Precision Planning, Inc. gave an update on Hard Labor Creek Reservoir land acquisition and on design of the dam.

Walton County Water & Sewerage Authority General Manager Wendell Geiger presented actions taken by the Authority at its meeting held on March 25, 2008. Commissioner Turner made a motion to ratify actions taken by the Authority at its meeting on March 25, 2008. Commissioner Palmer seconded the motion; voted and carried unanimously.

Anthony Baldoni of The Robbie Baldoni Memorial Stakepark Foundation presented a proposal for the County to enter into a public-private partnership with the Foundation to construct a skate park at South Walton Park in Social Circle. Mr. Baldoni and Project Manager Terry Wood presented a design proposal and an estimated project budget. Mr. Baldoni stated that the Foundation has raised \$50,000.00 for the project. Chairman Little asked Mr. Baldoni to fine tune the project budget and to work with Recreation Director Jody Johnson to determine if the design will fit on land available at South Walton Park and to bring the information back to the Board for consideration. Commissioner Palmer stated that he would like to see a site plan and more specific information on the project.

The Board held a public hearing on the question of increasing the Enhanced

911 Charge imposed on wireless telecommunications connections within Walton County from \$1.00 per connection to \$1.50 per connection. There was no one present in opposition of the proposed increase. Commissioner Atha made a motion to adopt a resolution approving the increase. Commissioner Palmer seconded the motion. Commissioners Ayers, Gasaway, Palmer, Atha and Dixon voted in favor. Commissioner Turner opposed the motion. The motion carried 5-1.

The Board held a public hearing on the question of imposing a \$1.50 911 Charge on Voice Over Internet Protocol (VoIP) connections within Walton County. There was no one present in opposition to the imposition of the charge. Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to adopt a resolution approving imposition of the charge. Commissioners Ayers, Gasaway, Palmer, Atha and Dixon voted in favor. Commissioner Turner opposed the motion. The motion carried 5-1.

Commissioner Gasaway made a motion to adopt a resolution supporting higher bond limits for the Walton County Probate Judge and the Walton County Surveyor. Commissioner Dixon seconded the motion; voted and carried unanimously.

The Board considered approval of a pre-application for funding from the Georgia Department of Natural Resources Land & Water Conservation Grant Fund for parkland acquisition. Commissioner Turner made a motion, seconded by Commissioner Gasaway, to adopt a resolution approving the pre-application for funding and certifying that in the event the pre-application is recommended for funding, the County has the ability and intention to finance its 50 percent of the total project cost. All voted in favor.

Commissioner Gasaway made a motion to approve an application by the Juvenile Court for renewal of Children & Youth Coordinating Council grant to continue funding for the Juvenile Evening Reporting Center. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Atha made a motion to approve the Sheriff's Department request to apply for renewal of the H.E.A.T. grant. Commissioner Ayers seconded the motion. All voted in favor.

The Board proclaimed the month of April 2008 as Nation Donate Life Month in Walton County. Chairman Little read the proclamation into the record.

Commissioner Palmer made a motion to approve an Intergovernmental Agreement with the City of Good Hope for graveling Old Good Hope Road. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Jimmy Parker of Precision Planning, Inc. presented a proposal from Register-Nelson for Long Term Ambient Trend Monitoring as part of the County's MS-4 compliance. Commissioner Ayers made a motion to accept the proposal. Commissioner Gasaway seconded the motion. All voted in favor.

Commissioner Palmer made a motion to approve a contract with Correct Health for Walton County Jail inmate health care. Commissioner Turner seconded the motion; voted and carried unanimously.

Commissioner Atha made a motion to approve a refund request for Garland David Lowe in the amount of \$185.76 for ad valorem taxes paid in error. Commissioner Dixon seconded the motion. All voted in favor.

Commissioner Atha made a motion to approve a refund request for Tiffani Blair Pike in the amount of \$128.13 for ad valorem taxes paid in error. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board held a public hearing on the proposed closure of a portion of Dillard Drive. There was no one present in opposition to the proposal. Commissioner Atha made a motion to initiate the abandonment process. Commissioner Turner seconded the motion. All voted in favor. *(A sketch of the portion of Dillard Drive proposed for abandonment is on file in the auxiliary file under this meeting date.)*

Planning Director Mike Martin updated the Board on timber harvesting within the buffer/pool area under moratorium for the Hard Labor Creek Reservoir.

The Board considered a request from Loganville Christian Academy for the County to act as fiscal agent for its new bond issue. Commissioner Turner made a motion, seconded by Commissioner Gasaway, to authorize the County Attorney to contact the County's Bond Counsel to determine the fiscal impact the request would have on the taxpayers of Walton County. After further discussion, Commissioner Turner amended his motion to have the County Attorney obtain a cost estimate from King & Spaulding and inform the Board of the cost prior to going forward with the review. Commissioner Dixon seconded the amended motion; voted and carried unanimously.

Sharon Darley and Rick Holder spoke during the public comment segment of the meeting.

At 8:43 p.m., Commissioner Dixon made a motion to enter into executive session to discuss real estate matters, litigation and personnel issues.

Commissioner Atha seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Dixon voted in favor.

At 10:00 p.m., Commissioner Atha made a motion to return to regular session. Commissioner Gasaway seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Dixon voted in favor. Chairman Little stated that no votes were taken while in executive session.

Commissioner Ayers made a motion to authorize the Chairman to sign off on a real estate offer as discussed in executive session. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Gasaway made a motion to authorize the County Attorney to respond to the demand letter discussed in executive session. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Ayers made a motion that the County approve a reduction in force of employees in the classified service because of lack of work for the following positions effective April 13, 2008: Planning & Development Department – Chief Engineering Technician, Plan Reviewer, Chief Building Inspector, Building Inspector, Development Inspector and Development Technician; Walton County EMS – Billing Technician. He further moved that the Director of Human Resources be directed to inform each employee affected by the layoff of all rights and privileges permitted in Section 500, Paragraph 3 of the Walton County Civil Services Personnel Rules and Regulations and the effective date of said layoff. Commissioner Gasaway seconded the motion; voted and carried unanimously.

At 10:04 p.m., Commissioner Atha made a motion, seconded by Commissioner Dixon 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 KIRKLYN DIXON, DISTRICT 6