

November 4, 2008

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, November 4, 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.

Chairman Little called the meeting to order at 6:00 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 as presented. Commissioner Gasaway seconded the motion. All voted in favor.

Commissioner Ayers made a motion to accept the minutes of the October 7, 2008 meeting. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve amendments to the WC Land Development Ordinance as shown on errata sheet dated 6-2-2008, which includes an amendment to the Walton County Adult Entertainment Ordinance. Planning Director Mike Martin reviewed the proposed amendments, including the addition of paragraph N, Article 9, Section 130 – Requirements for New Streets & Roadways and Article 11 - Stormwater Management. County Attorney Kirby Atkinson reviewed the proposed amendment to the Adult Entertainment Ordinance. He stated that both the Federal and State Constitutions offer protection to some forms of adult entertainment including nude dancing and that the Courts have recognized that the 1<sup>st</sup> Amendment protects this type of expressive conduct; however, it may be regulated and restricted based upon the secondary impact that activity may create. He stated that the ordinance cannot be aimed at curtailing the protected expression itself. He stated that the motivation is to combat the negative secondary effects that adult entertainment establishments have on the surrounding community. He stated that before enacting an ordinance to combat the undesirable secondary effects, the Commission is required to consider specific evidence of the undesirable secondary effect that it reasonably believes relevant to the problems it seeks to address by passing the ordinance. Mr. Atkinson presented Adult

Entertainment Case Studies from other localities as evidence for the record. After further discussion, Commissioner Atha made a motion, seconded by Commissioner Gasaway, to approve the proposed ordinance, to approve the reports submitted to the Commission which shall be made a part of the record in this matter, to approve the public purpose set forth in the ordinance and to specifically find that the record before the Commission supports the finding of a relationship between the proposed ordinance and the undesirable secondary effect it seeks to control. All voted in favor.

Commissioner Palmer made a motion, seconded by Commissioner Dixon, to approve amendments to the WC Land Development Ordinance as shown on Errata Sheet dated 6-2-08. All voted in favor.

Planning Director Mike Martin presented a Planning Commission recommendation to approve amendments to the WC Land Development Ordinance Article 3, Part 2, Section C 4 – Board of Appeals - Special Exceptions and Article 2, Section 100 – Definitions as shown on Errata Sheet dated 9-4-2008. Commissioner Gasaway made a motion, seconded by Commissioner Turner, to approve the aforementioned amendments. All voted in favor.

The Board considered adoption of a resolution establishing a minimum number of acres as a qualification for properties entered into a Conservation Use Easement. Commissioner Dixon made a motion to adopt a resolution establishing that the minimum number of acres required to qualify for the current use assessment as provided by O.C.G.A 48-5-7.4(a)(3) is 15 acres. Commissioner Gasaway 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 B-1 to B-3 on 4.9 acres for Thomas H. Robbins II – Z08080010. The affected property is located at 5614 Georgia Highway 138 and is further identified on WC Tax Map C 30, Parcel 217. Chairman Little opened the public hearing on the matter. Thomas Robbins 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. She further moved to approve refund of Mr. Robbins' application fee. Commissioner Palmer seconded the motion; voted and carried unanimously.

Planning Director Mike Martin reviewed proposed changes to the Character Area Map as recommended by the Planning Commission. No action was taken.

Finance Director Linda Hanna presented contracts and budgeted purchases of \$2,500.00 or greater for the Board's consideration. Commissioner Turner made a motion to approve contracts and budgeted purchases as presented. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Palmer, to approve a budget amendment to create a fund for the Caring Communities Grant and to authorize Finance Officer Linda Hanna and Melinda Quinn of The Partnership to approve future budget adjustments and amendments to be placed on the record at subsequent Board meetings. All voted in favor.

Commissioner Ayers made a motion to approve acceptance of a forfeited vehicle for use by the Sheriff's Department. Commissioner Dixon seconded the motion; voted and carried unanimously.

Personnel Director Karen Fraser presented employee new hires, promotions and transfers for the Board's consideration. Commissioner Palmer made a motion, seconded by Commissioner Gasaway, to approve new hires, promotions and transfers as presented, for the record. Commissioners Ayers, Turner, Gasaway, Palmer and Dixon voted in favor. Commissioner Atha opposed the motion. The motion carried 5-1.

Commissioner Dixon made a motion to approve an Employee Benefits Committee recommendation to approve the 2009 Holiday Schedule giving January 2, 2009 as a holiday in exchange for half day at Thanksgiving and half day at Christmas 2009. Commissioner Palmer seconded the motion; voted and carried unanimously.

Walton County Water & Sewerage Authority General Manager Wendell Geiger presented actions taken by the Authority at its meeting on 10/28/08. Commissioner Turner made a motion to ratify actions taken by the Authority as presented. Commissioner Palmer seconded the motion. All voted in favor.

Walton County Chamber of Commerce President Teri Wommack presented the 2009 contract with the Walton County Chamber of Commerce. Commissioner Ayers made a motion to approve the contract. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered Juvenile Court Contracts with the following individuals: John Mura, Greg Bullock, Turley Howard, Henry Huff and Jeff Bray. County Attorney Kirby Atkinson recommended changes to the contracts. Commissioner Gasaway made a motion to approve the contracts subject to changes recommended by the County Attorney. She further moved

to give the Chairman the authority to execute the contracts after the appropriate changes are made. Commissioner Palmer seconded the motion; voted and carried unanimously.

Commissioner Atha made a motion to appoint Eloise Rucker to The Partnership for Families, Children & Youth Board representing Walton County At-Large. Commissioner Palmer seconded the motion. All voted in favor.

Commissioner Turner made a motion to re-appoint Mark Peevy and Glenn Barton to the Walton County Board of Tax Assessors. Commissioner Palmer seconded the motion; voted and carried unanimously. *These appointments are six-year terms to expire March 30, 2014.*

Commissioner Turner submitted his resignation from the Hard Labor Creek Reservoir Management Board. Commissioner Ayers made a motion to accept Commissioner Turner's resignation effective immediately. Commissioner Palmer seconded the motion. All voted in favor.

Commissioner Ayers made a motion to appoint Commissioner Vickie Gasaway to the Hard Labor Creek Management Board to fill the unexpired term of Commissioner Michael Turner. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to appoint Regis Stamey, Janese Turner and Stacey Branchfield to the O'Kelly Memorial Library Board for terms to expire June 30, 2015. Commissioner Gasaway seconded the motion. All voted in favor.

The Board considered abandonment of a dirt portion of Mt. Paron Church Road from its intersection with Social Circle Fairplay Road a distance of approximately 1 mile ending at a newly constructed cul-de-sac. The Hard Labor Creek Reservoir will inundate this portion of Mt. Paron Church Road. Commissioner Ayers made a motion to initiate the abandonment process. Commissioner Dixon seconded the motion; voted and carried unanimously. *A drawing of the portion of Mt. Paron Church Road proposed for abandonment is on file in the auxiliary file under this meeting date.*

Commissioner Gerald Atha spoke during the public comment segment of the meeting.

At 7:20 p.m., Commissioner Ayers made a motion, seconded by Commissioner Dixon, to enter into executive session to discuss real estate acquisition and personnel matters. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Dixon voted in favor.

At 7:45 p.m., Commissioner Dixon made a motion, seconded by Commissioner Atha, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Dixon voted in favor. Chairman Little stated that no votes were taken while in executive session.

Commissioner Gasaway made a motion, seconded by Commissioner Dixon, to authorize BM&K to negotiate acquisition of rights of way as discussed in executive session. All voted in favor.

Commissioner Atha made a motion to compensate Jody Johnson and Brad Huff \$100.00 per team to host the county's football tournament. Commissioner Palmer seconded the motion. Commissioner Turner stated that this constitutes a pay raise. After further discussion, Commissioners Ayers, Gasaway, Palmer and Atha voted in favor of the motion. Commissioners Turner and Dixon opposed the motion. The motion carried 4-2.

At 7:47 p.m., Commissioners Palmer 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.

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KEVIN W. LITTLE, CHAIRMAN

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LETA P. TALBIRD, CLERK

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CLINTON AYERS, DISTRICT 1

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MICHAEL TURNER, DISTRICT 2

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VICKIE M. GASAWAY, DIST. 3

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LAMAR PALMER, DISTRICT 4

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GERALD ATHA, DISTRICT 5

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KIRKLYN DIXON, DISTRICT 6