

The Regular Meeting of the Oconee County Board of Commissioners was held on Thursday, March 6, 2007, at 7:00 p.m., in the Commissioners Meeting Chambers, Oconee County Courthouse.

Members Present:

Chairman Melvin Davis
Commissioner Jim Luke
Commissioner Donald H. Norris
Commissioner Margaret S. Hale
Commissioner Chuck Horton

Staff Present:

County Attorney Daniel Haygood
Administrative Officer Alan Theriault
County Clerk Gina M. Lindsey

Jeff Benko, Finance Director
Gary Dodd, Utility Director
Steve Hansford, Code Enforcement Director
William White, Projects Coordinator
BR White, Planning Director
Brad Callender, Planner
Krista Gridley, Planner

Media Present:

Vinnie Williams, The Oconee Enterprise
Ingunn Mercer, The Oconee Leader
Lee Shearer, Athens Banner-Herald

Chairman Davis began the meeting with a Moment of Silence. Commissioner Horton led the Pledge of Allegiance.

Minutes: On motion by Commissioner Horton and second by Commissioner Luke, Minutes of the February 8, February 20 and February 27, 2007 meetings were approved as distributed.

Future Water Sources: Chairman Davis noted future water sources have been discussed on several occasions and studies have taken place over several years. He opened the discussion by asking for questions from the Board of Commissioners to staff.

Per the request of Commissioner Luke, Utility Director Gary Dodd stated his recommendation was to pursue an intergovernmental agreement with Walton County for participation in the Hard Labor Creek Reservoir project. Mr. Dodd said he based his recommendation on two factors: cost affordability of the Utility Department and water demand.

Chairman Davis opened the discussion for public comment. There were no public comments.

Mr. Dodd said if the Bear Creek Reservoir is expanded, Oconee County will need additional water sources by 2014. He explained the timeline to construct a reservoir in Oconee County and noted the Hard Labor Creek Reservoir project has obtained all the required permits except the final water withdrawal permit. Finance Director Jeff Benko reported his conservative projections determined the Utility Department's affordability factor to be in the \$60 to \$70 million range.

Commissioner Horton made a motion to not participate with Walton County in the Hard Labor Creek Reservoir project. Commissioner Hale seconded the motion. Commissioners Horton and Hale voted yes. Commissioners Luke and Norris voted no. Chairman Davis voted no. The motion failed.

Commissioner Luke made a motion to authorize the County Attorney to begin negotiations with Walton County for an intergovernmental agreement to participate in the Hard Labor Creek Reservoir project. Commissioner Norris seconded the motion. Commissioners Luke and Norris voted yes. Commissioners Hale and Horton voted no. Chairman Davis yes. The motion passed.

Rezone Request #5315 –Plant A Seed, LLC: The Board held a public hearing on Rezone Request No. 5315 by Plant A Seed, LLC, ±500.61 acres, located on S.R. 53 and Mars Hill Road, from R-2 MPD to R-2 MPD with modifications.

Abe Abouhamdan, representing the applicant, said the developer is requesting a modification to the original development plan to allow for the construction of a short roadway interconnection between Parkside and The Landing at Parkside. Both developments are currently owned by Plant A Seed, LLC.

John Duffett spoke in favor of the rezone request. No one spoke in opposition

On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously approved Rezone Request No. 5315 by Plant A Seed, LLC, from R-2 MPD to R-2 MPD with modifications, with conditions (Parkside). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5316 – Brenda J. Parsons, et al: The Board held a public hearing on Rezone Request No. 5316 by Brenda J. Parsons, et al, ±2.004 acres, located on S.R. 53, from B-2 to B-2 with modified conditions.

Kenneth Beall, representing the applicant, said the site was originally rezoned for a veterinarian clinic and hospital. The owner proposes to develop a commercial shopping center with two single-tenant retail buildings, parking areas and on-site storm water management. No one spoke in opposition to the rezone request.

On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 5316 by Brenda J. Parsons, et al, from B-2 to B-2 with modified conditions, for a business development (Center 53). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5317 – Silver Mill Farms, LLC: On motion by Commissioner Hale and second by Commissioner Horton, the Board voted unanimously to postpone action on Rezone Request No. 5317 by Silver Mill Farms, LLC, ±1.648 acres, located on Virgil Langford Road, from A-1 to B-2, to the June 5, 2007 Board of Commissioners meeting.

Kenneth Beall, representing the applicant, presented a constitutional challenge and an ante litem notice to the Board of Commissioners Office on March 5, 2007.

Rezone Request #5318 – Francis E. Williams, III: The Board held a public hearing on Rezone Request No. 5318 by Francis E. Williams, III, ±4.23 acres, located on U.S. Hwy. 441 and Branch Road, from A-1 to B-2.

Attorney Marcy A. Hanks presented a constitutional challenge.

John Williams, representing the applicant, said the property is located along the Highway 441 corridor and is an appropriate location for a convenience store/gas station. He stated the development would provide services to the southern part of Oconee County and to Heritage Park patrons. Mr. Williams noted a similar development is located within close proximity to this property.

Frank Williams said it was his father's opinion that a denial of the rezone request would effectively condemn his property.

Paul Poninski presented a petition circulated through the community with 205 signatures opposing the rezone request. Tony Glen, Russ Page, Lorraine Thompson, Rebecca Wood, Dick Adams, Vicki Kitching, John Cleaveland, Gail Kallins, Rosemary Franklin, Teresa Poninski, Lisa Duval, Judy Allison, Joey Westman, Lawrence Stueck, Judy Highfield, Tim Sweatman, Nancy Durham and Janus Cismanna spoke in opposition to the request, expressing concerns for spot zoning and lack of infrastructure, and stating their desire to maintain the rural and agricultural qualities that currently define the southern region of Oconee County.

On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously denied Rezone Request No. 5318 by Francis E. Williams, III, from A-1 to B-2. **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5319 – Eric S. Pope: On motion by Commissioner Hale and second by Commissioner Luke, the Board unanimously approved the request by the applicant to withdraw Rezone Request No. 5319 by Eric S. Pope, ±2.59 acres, located on SR 53, from A-1 to B-1, without prejudice.

Rezone Request #5320 – West Walton Properties: On motion by Commissioner Hale and second by Commissioner Horton, the Board voted unanimously to postpone action on Rezone Request No. 5320 by West Walton Properties, Inc., ±1.985 acres, located on Rocky Branch Road and Brookshire Drive, from R-2 MPD to R-2 MPD with modifications, to the May 1, 2007 Board of Commissioners meeting, as requested by the applicant's representative.

Attorney Paul L. Rosenthal presented a constitutional challenge.

Consent Agenda: On motion by Commissioner Luke and second by Commissioner Norris, the Board unanimously approved the following Consent Agenda item:

- **Oconee Community Complex – Electric Service Agreements:** Approved an agreement with Walton EMC to provide underground electric service to the new Oconee Community Complex and a right-of-way easement on the Herman C. Michael Park property to move one or two electric poles that would be required for the project.

There being no further business, on motion by Commissioner Horton and second by Commissioner Norris, the meeting was adjourned.

County Clerk

Chairman

Date