

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, May 2, 2006, 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:

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

B.R. White, Planning Director
Brad Callender, Planner
Sandy Thursby, Planner
Amy Morrison, Stormwater Coordinator
Jeff Benko, Finance Director
Gary Dodd, Utility Director
Chris Thomas, Assistant Utility Director
William White, Projects Coordinator
Chris Neufeld, Public Works Design Engineer

Media Present:

Vinnie Williams, The Oconee Enterprise
Merritt Melancon, Athens Banner-Herald

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

Minutes: On motion by Commissioner Norris and second by Commissioner Horton, Minutes of the April 4, April 10, April 11, April 12 and April 18, 2006 meetings were approved as distributed.

Stormwater Ordinance: Stormwater and Environmental Coordinator Amy Morrison presented a revised draft of the proposed Storm Drainage and Stormwater Management Ordinance. Ms. Morrison explained the previously proposed stormwater ordinances, as well as the appropriate sections of the Land Subdivision Regulations, have been combined into one comprehensive Ordinance. Criminal penalties were removed and the requirement for usage of a stormwater management design guide for water quality control has been applied only to the urbanized area of the county. Ms. Morrison reviewed the proposed schedule for adoption.

Rezone Request #4905 - O.S. Properties, Inc.: The Board held a public hearing on Rezone Request No. 4905 by O.S. Properties, Inc., 0.988 acre, located on Garland Drive, from OIP to B-1. Commissioner Luke recused himself from the public hearing and the vote.

The applicant's representative, Ken Beall, presented a Constitutional Challenge for Rezone Request No. 4905.

Mr. Beall stated the owner proposes to construct a single 6,815 sq.ft. commercial building to house small retail shops with a 50' landscaped buffer to go along with the 50' greenspace buffer platted on the adjoining residential lots. Mr. Beall explained the history of the zoning for Dickens Corner Business Park and noted there were mitigating circumstances that go along with the request.

Belfair Subdivision residents Brett Bates, Joan Hornick, Rick Burrell, Ram Sinhan and Aymee Davis spoke in opposition to the rezone request, expressing their concerns for increased traffic, trash, lighting, water pressure, noise, decreased property values and safety.

Commissioner Horton made a motion to deny Rezone Request No. 4905 from OIP to B-1. Commissioner Hale seconded the motion. Commissioners Horton and Hale voted yes. Commissioner Norris voted no. The motion passed to deny Rezone Request No. 4905 by O.S. Properties, Inc., 0.988 acre, located on Garland Drive, from OIP to B-1. **See Documentation in Ordinances and Resolutions Book No. 16.**

Rezone Request #4943 - Daryl L. McAleese: The Board held a public hearing on Rezone Request No. 4943 by Daryl L. McAleese, ± 12.341 acres, located on Welbrook Road, from A-1 to AR-1.

Ms. McAleese explained she wanted to subdivide the parcel so each of her two sons could build a house on the property. Adjoining property owner, Douglas Kastleman, stated he was not opposed to the rezone but had questions regarding water runoff during the construction process.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4943 by Daryl L. McAleese, ± 12.341 acres, located on Welbrook Road, from A-1 to AR-1, with conditions, to subdivide the property into 3 lots for residential use. **See Documentation in Ordinances and Resolutions Book No. 16.**

Rezone Request #4944 - Dickens Farms, Inc.: The Board held a public hearing on Rezone Request No. 4944 by Dickens Farms, Inc., ± 44.514 acres, located on Lenru Road, from A-1 to R-1.

On motion by Commissioner Norris and second by Commissioner Hale, the Board voted unanimously to approve Rezone Request No. 4944 with conditions, for a single family residential subdivision (Harper Estates). **See Documentation in Ordinances and Resolutions Book No. 16.**

Rezone Request #4945- James Mercer Cox, et al: The Board held a public hearing on Rezone Request No. 4945 by James Mercer Cox, et al, ± 81.76 acres, located on Barber Creek Road, from A-1 to R-1.

The applicant's representative, Ken Beall, presented a Constitutional Challenge for Rezone Request No. 4945.

Mr. Beall stated the site is located within an area of emerging residential development. Mercer Cox explained the proposed upscale single family subdivision would be developed by Anthony Fortner. Homes would be a minimum of 2,800 sq.ft. and range in price from \$400,000 to \$600,000.

Sarah Howell and Russ Page spoke in opposition to the density of the proposed subdivision and expressed concern for the natural stream located under the lake on the property. Mr. Page recommended the Board require impact fees in Oconee County.

On motion by Commissioner Norris and second by Commissioner Luke, the Board voted unanimously to approve Rezone Request No. 4945, with conditions, for a single family residential subdivision (Club Estates). **See Documentation in Ordinances and Resolutions Book No. 16.**

Rezone Request #4946 - Glenn O. and Priscilla Ware and Margot Hedwig Waters: The Board held a public hearing on Rezone Request No. 4946 by Glenn O. and Priscilla Ware and Margot Hedwig Waters, ± 65.812 acres, located on Rocky Branch Road, from A-1 to AR-1 and FP.

The applicants' representative, Ken Beall, stated the property would be developed as an addition to the Rowan Oak MPD, but would not be an expansion of the MPD. A rezone modification application has been submitted to request access through the buffer and open space platted inside the Rowan Oak MPD. An amended rezone concept plan was presented to show one interconnection point directly across from Fitzgerald Lane.

Glen Ware, Tom Little and Jim Daniel spoke in favor of the rezone request and noted the developer would build a quality subdivision of exclusive homes.

On motion by Commissioner Norris and second by Commissioner Luke, the Board voted unanimously to approve Rezone Request No. 4946, with conditions, for a single family residential subdivision (Rowan Oak Estates). **See Documentation in Ordinances and Resolutions Book No. 16.**

Rezone Request #4947 - Rowan Oak Property Owners Association, Inc. and Rowan Oak Natural and Scenic Charitable Corp.: The Board held a public hearing on Rezone Request No. 4947 by Rowan Oak Property Owners Association, Inc. & Rowan Oak Natural and Scenic Charitable Corporation., ± 88.476 acres, located on Rocky Branch Road, from R-2 MPD and FP to R-2 MPD and FP with Modifications.

The applicants' representative, Ken Beall, stated the developer was requesting to amend the approved R-2 MPD plan to allow for the construction of an access road through the 50' perimeter buffer to interconnect with the Rowan Oak Estates development and to allow the residents use of the amenities of the Rowan Oak MPD. The rezone concept plan was amended to show one proposed access location directly across from Fitzgerald Lane near the entrance of the development. Mr. Beall said a provision for allowing access to adjoining properties was stipulated in the recorded covenants of Rowan Oak, as well as in the original MPD narrative incorporated into the Rowan Oak R-2 MPD approval.

Rowan Oak homeowners, Bobby Thompson and Jason Fitzpatrick, spoke in favor of the rezone request and commented the new plan would improve the existing amenities and add to the Rowan Oak community.

Russ Page and Bob Kraeling spoke in opposition to the rezone request, stating a conservation easement is meant to remain undisturbed in perpetuity.

County Attorney Daniel Haygood said State law clearly states a conservation easement can be modified and added there was nothing in Oconee County's local ordinances that would prevent an interconnection between properties. Mr. Haygood also noted a charitable organization is allowed to hold a conservation easement.

Commissioner Hale made a motion to deny Rezone Request No. 4947 from R-2 MPD and FP to R-2 MPD and FP with Modifications. Commissioner Horton seconded the motion. Commissioners Hale and Horton voted yes. Commissioners Luke and Norris voted no. Chairman Davis voted no. The motion to deny failed.

Commissioner Norris made a motion to approve Rezone Request No. 4947 from R-2 MPD and FP to R-2 MPD and FP with Modifications, with conditions. Commissioner Luke seconded the motion. Commissioners Norris and Luke voted yes. Commissioners Hale and Horton voted no. Chairman Davis voted yes. The motion passed to approve Rezone Request No. 4947 by Rowan Oak Property Owners Association, Inc. & Rowan Oak Natural and Scenic Charitable Corporation., ± 88.476 acres, located on Rocky Branch Road, from R-2 MPD and FP to R-2 MPD and FP with Modifications, with conditions. **See Documentation in Ordinances and Resolutions Book No. 16.**

Rezone Request #4948 - DBH, LLC: The Board held a public hearing on Rezone Request No. 4948 by DBH, LLC, ± 20.0 acre, located on Bridlegate Drive, from A-1 to AR-3.

On motion by Commissioner Hale and second by Commissioner Horton, the Board voted unanimously to approve Rezone Request No. 4948, with conditions, to combine the tract with two existing tracts inside Bridlegate Subdivision. **See Documentation in Ordinances and Resolutions Book No. 16.**

Rezone Request #4949 - Thornton Lee Turman, II: The Board held a public hearing on Rezone Request No. 4949 by Thornton Lee Turman, II, ± 31.80 acre, located on Barnett Shoals Road, from A-1 to AR-1 and FP.

On motion by Commissioner Luke and second by Commissioner Norris, the Board voted unanimously to approve Rezone Request No. 4949, with conditions, for a single family residential subdivision (Weatherton Estates). **See Documentation in Ordinances and Resolutions Book No. 16.**

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

- **Lawn Maintenance Contract FY 2007:** Approved the renewal of the Lawn Maintenance contract with Vision Landscaping at a cost of \$14,727 for FY 2007.
- **Pest Control Contract FY 2007:** Approved the renewal of the Pest Control contract with Houseman Pest Control at a cost of \$4,950 for FY 2007.
- **Solid Waste Disposal Contract FY 2007:** Approved a contract with Roll-Off Systems, Inc. for FY 2007 waste disposal services.
- **Recyclable Disposal Contract FY 2007:** Approved a contract with Oconee Waste Transport for FY 2007 recyclable disposal services.
- **Gravel Procurement and Hauling Contract FY 2007:** Approved a contract with Hanson Aggregate for FY 2007 gravel procurement and hauling.
- **Surplus Vehicles and Equipment:** Declared surplus vehicles and equipment and authorized a surplus sale, for cash only, during FY 2006.

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

County Clerk

Chairman

Date