

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, November 7, 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

Jeff Benko, Finance Director
BR White, Planning Director
Brad Callender, Planner
Krista Gridley, Planner
Wayne Provost, Strategic Planning Director
Mike Leonas, Public Works Director
Bruce Thaxton, Fire Chief
William White, Project Coordinator
Gary Dodd, Utility Director
Chris Thomas, Asst. Utility Director

Media Present:

Vinnie Williams, The Oconee Enterprise
Merritt Melancon, 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 Luke and second by Commissioner Horton, Minutes of the September 5 and September 19, 2006 meetings were unanimously approved as distributed.

Street Light Tax District – Fern Hill Subdivision: On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously approved the creation of Street Light Tax District No. B-2X-L1 for Fern Hill Subdivision. **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5146 – Plum Creek Timberlands, L.P.: The Board held a public hearing on Rezone Request No. 5146 by Plum Creek Timberlands, L.P. (West) ±295.42 acres, located on the west side of U.S. Hwy. 441, from A-1 to AR-5.

The applicant's representative, Michael Morris, presented a Constitutional Challenge for Rezone Request No. 5146.

Mr. Morris stated the property is currently used for timber harvesting and hunting. The owner plans to subdivide the property into 53 single family residential lots of 5 acres minimum. There will be a community open space along the Apalachee River owned and maintained by the homeowners. Each lot will have a well and septic system. The owner proposes to build a 10,000 gallon above-ground water storage tank for fire protection. Mr. Morris said an AR-5 zoning is consistent with the current trends in the area. He noted the river walk concept should not be considered with this rezone.

Engineer Bret Thurmond reported drilled wells are planned for the residential development. Landscape Architect Jay Scott said the development would be a high quality rural subdivision and design covenants will assure that all homes will be built with quality materials. Development Manager Fernando Arias said Plum Creek is a steward of timberlands and the subdivision has been designed to minimize the impact on the land.

Russ Page said the rezone does not comply with the comprehensive long-range plan of the county. He said there are two similar subdivisions in the area that were approved only as a result of a lawsuit against the county. Mr. Page voiced concern for the lack of county water and fire protection in the area. He noted there have been discussions with Plum Creek regarding possible alternative plans for the land.

Mary Mellein read from the Georgia Planning Act and said development in this area of the county is not good growth. She expressed concern for the lack of county services. Courtney Gale also spoke on the lack of county water, sewer and fire protection. She stated she supported a river walk along the Apalachee River and considered it an opportunity to create a tourist attraction in the county.

Paul Poninski called the rezone a “recipe for sprawl” and said there are now 400 homes on the market in Oconee County. Teresa Poninski said a development of 200+ homes will lower the water table and septic tanks will contaminate the water.

Tony Glen voiced concern for spot zoning and noted Morgan County would benefit from the sales tax of Oconee County residents shopping there. Bob Kraeling requested the Board of Commissioners deny the rezone request. Charles Baugh urged the Board to facilitate the process of bringing land owners together for a river walk.

Commissioner Norris made a motion to approve Rezone Request No. 5146 from A-1 to AR-5, 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. 5146 by Plum Creek Timberlands, L.P. (West) ± 295.42 acres, located on the west side of U.S. Hwy. 441, from A-1 to AR-5, with conditions, for a single-family residential subdivision (Withrow On-the-River). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5147 – Plum Creek Timberlands, L.P.: The Board held a public hearing on Rezone Request No. 5147 by Plum Creek Timberlands, L.P. (East) ± 69.91 acres, located on the east side of U.S. Hwy. 441, from A-1 to AR-5.

The applicant’s representative, Michael Morris, presented a Constitutional Challenge for Rezone Request No. 5147.

Mr. Morris stated the comments from the previous rezone request still apply. He said the owner plans to subdivide the property into 13 single family residential lots of 5 acres minimum. The subdivision development will be combined with the ± 295.42 acre tract on the west side of U.S. Hwy. 441 to create a single residential subdivision.

Mary Mellein said land use planning has a purpose and development should occur only where services can be provided to the citizens. Courtney Gale noted the variation in lot sizes along Tappan Spur Road and asked that larger lots be considered. Tony Glen voiced concern for the single entrance into the development. Lee Becker stated there were no county services available to support the development. Michael Reuter commented that by setting precedents, it was making it harder to turn down rezone requests.

Commissioner Horton made a motion to deny Rezone Request No. 5147 from A-1 to AR-5. Commissioner Hale 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 Luke made a motion to approve Rezone Request No. 5147 from A-1 to AR-5, with conditions. Commissioner Norris seconded the motion. Commissioners Luke and Norris voted yes. Commissioners Hale and Horton voted no. Chairman Davis voted yes. The motion passed to approve Rezone Request No. 5147 by Plum Creek Timberlands, L.P. (East) ± 69.91 acres, located on the east side of U.S. Hwy. 441, from A-1 to AR-5, with conditions, for a single-family residential subdivision (Withrow On-the-River). **See Documentation in Ordinances and Resolutions Book No. 17.**

Conditional Use Permit #5188 – Henry and Joe Murrow: The Board held a public hearing on Conditional Use Permit No. 5188 by Henry T. and Joe D. Murrow, ± 3.50 acres, located on U.S. Hwy. 441, for mini-storage warehouses.

Kenneth Beall, representing the applicants, said the property is currently zoned B-2. The owners propose to develop a mini-storage warehouse facility with 12 storage buildings and a management office. Mr. Beall acknowledged the property is currently listed on EPD’s Hazardous Site Inventory list and stated the hazardous materials are to be removed and the site will be cleaned up. Applicant Henry Murrow said the mini-storage warehouse facility would not create an impact on traffic.

Courtney Gale requested additional landscaping. Ms. Gale and Tony Glenn expressed concern with light pollution. Mr. Beall noted the UDC Ordinance stipulates lighting regulations.

On motion by Commissioner Hale and second by Commissioner Horton the Board unanimously approved Conditional Use Permit No. 5188 by Henry T. and Joe D. Murrow, with conditions, to construct a mini-storage warehouse business (Highway 441 Storage). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5189 – Betty P. Nuckolls, et al: The Board held a public hearing on Rezone Request No. 5189 by Betty P. Nuckolls, et al, ±39.282 acres, located on Clotfelter Road, from A-1 to R-1.

Kenneth Beall, representing the applicant, said the property is being developed as a single-family residential subdivision of 42 lots. No one spoke in opposition to the rezone request.

On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 5189 by Betty P. Nuckolls, et al, from A-1 to R-1, with conditions, for a single-family residential subdivision (Oldfield). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5191 – J. Mercer Cox, et al: The Board held a public hearing on Rezone Request No. 5191 by J. Mercer Cox, et al, ±8.169 acres, located on U.S. Hwy. 78, from A-1 and R-1 to B-2 for a business park development. The presentation and public hearing for Rezone Request No. 5191 and Rezone Request No. 5192 were held at the same time.

Kenneth Beall, representing the applicants, stated the project will feature two highway business multi-tenant retail buildings with one fronting U.S. Hwy. 78 on an 8.169 acre parcel and an eight building office-business park development on the 15.489 acre parcel to the rear. No one spoke in opposition to the rezone request.

On motion by Commissioner Hale and second by Commissioner Luke, the Board unanimously approved Rezone Request No. 5191 by J. Mercer Cox, et al, from A-1 and R-1 to B-2, with conditions, for a business park development (Regency Center). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5192 – J. Mercer Cox, et al: The Board held a public hearing on Rezone Request No. 5192 by J. Mercer Cox, et al, ±15.489 acres, located on U.S. Hwy. 78, from R-1 to O-B-P and FP. The presentation and public hearing for Rezone Request No. 5191 and Rezone Request No. 5192 were held at the same time.

Kenneth Beall, representing the applicants, said he was available for any questions. No one spoke in opposition to the rezone request.

On motion by Commissioner Horton and second by Commissioner Norris the Board unanimously approved Rezone Request No. 5192 by J. Mercer Cox, et al, from R-1 to O-B-P and FP, with conditions, for a business park development (Regency Center). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5193 – Rose Creek Development: The Board held a public hearing on Rezone Request No. 5193 by Rose Creek Development, LLC, ±3.28 acres, located on Hog Mountain Road, from A-1 and B-1 to B-2. The presentation and public hearing for Rezone Request No. 5193 and Conditional Use Permit No. 5194 were held at the same time.

Kenneth Beall, representing the applicant, said the owners propose to develop a mini-storage warehouse facility with 12 storage buildings and a management office. He noted lighting and runoff issues have been addressed and roof pitches would be added to some of the buildings. The management office building and the front warehouse will be brick masonry. Mr. Beall said the development is compatible to the use on the adjoining property (Grand Rental Station).

Rick Raymond said the location is inappropriate for mini-storage warehouses. He stated the project is not compatible with the office-professional development in the area. He expressed concern with the topography of the property. Chuck Brown, Joan Hackett, Mary Mellein and Mack Fite also voiced opposition to the rezone request, stating the project does not fit the pattern of development in the area.

On motion by Commissioner Hale and second by Commissioner Horton the Board unanimously approved Rezone Request No. 5193 by Rose Creek Development from A-1 and B-1 to B-2, with conditions, for a mini-storage warehouse business (Wilkes Self Storage). **See Documentation in Ordinances and Resolutions Book No. 17.**

Conditional Use Permit #5194 – Rose Creek Development: The Board held a public hearing on Conditional Use Permit No. 5194 by Rose Creek Development, LLC, ±3.28 acres, located on Hog Mountain Road, for mini-storage warehouses. The presentation and public hearing for Rezone Request No. 5193 and Conditional Use Permit No. 5194 were held at the same time.

Kenneth Beall, representing the applicants, said he was available for any questions.

On motion by Commissioner Horton and second by Commissioner Norris the Board unanimously approved Conditional Use Permit No. 5194 by Rose Creek Development, with conditions, to construct a mini-storage warehouse business (Wilkes Self Storage). **See Documentation in Ordinances and Resolutions Book No. 17.**

Conditional Use Permit #5195 – Oconee Club Estates, LLC: The Board held a public hearing on Conditional Use Permit No. 5195 by Oconee Club Estates, LLC, ±7.79 acres, located on Barber Creek Road, for an amenity area.

Justin Greere, representing the applicants, said the Club Estates amenity area will include a cabana with restrooms, swimming pool, tennis courts and playscape area for exclusive use by the residents of the subdivision. No one spoke in opposition to the conditional use permit request.

On motion by Commissioner Norris and second by Commissioner Luke the Board unanimously approved Conditional Use Permit No. 5195 by Oconee Club Estates, LLC, with conditions, for an amenity area. **See Documentation in Ordinances and Resolutions Book No. 17.**

Animal Control Advisory Board: On motion by Commissioner Horton and second by Commissioner Norris, the Board unanimously appointed David Silvian to the Oconee County Animal Control Advisory Board to fill an unexpired term, expiring June 30, 2007

Cultural and Recreational Affairs Committee: On motion by Commissioner Luke and second by Commissioner Horton, the Board unanimously appointed Ramona H. Lord to the Oconee County Cultural and Recreational Affairs Committee – Cultural & Tourism Subcommittee to fill an unexpired term, expiring September 30, 2008.

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

- **Network Telephony – Voice over Internet Protocol:** Approved the following to complete the Voice over Internet Protocol conversion:
 1. Purchase the hardware for the Library, Health Department, Government Annex, Road Department, Civic Center, Herman C. Michael Park and the Welcome Center at a cost of \$90,000;
 2. Purchase the fiber backbone connecting the Courthouse, Library, Health Department, Frank Norris Building, EOC/E911 and the Jail at a cost of \$252,000; and,
 3. Lease the fiber backbone connecting the Courthouse to the Government Annex, Road Department, Civic Center, Herman C. Michael Park and the Oconee Community Complex at a monthly rate of \$486/month per building with a one-time cost of \$33,000 for conduit.

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

County Clerk

Chairman

Date