

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, May 3, 2005, 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

Matt Forshee, Planning & Economic Development
Brad Callendar, Planner
Jeff Benko, Finance Director
Gary Dodd, Utility Director
John Gentry, Parks & Recreation Director
Mike Leonas, Public Works Director

Media Present:

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

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

Minutes: On motion by Commissioner Luke and second by Commissioner Norris, Minutes of the April 5, April 18, April 19, April 20, April 21 and April 28, 2005 meetings were approved as distributed.

Commissioner Horton recused from the vote because he was absent for a portion of the April 18th and April 19th meetings.

Subdivision Regulations Amendment – Street Design and Location Standards: The Board held the Second Reading and Public Hearing on an amendment to the Oconee County Subdivision Regulations regarding public and private street design and location standards. Planner Matt Forshee reported the amendment will allow private streets in additional zoning districts. Public Works Director Mike Leonas stated the amendment will revise how new public and private streets and roads are designed and constructed.

Jon Williams suggested if a preliminary plat has been submitted and fees have been paid, the development process would be governed by the Subdivision Regulations in effect prior to the amendment. By consensus, the Board agreed these preliminary plats would be vested.

Mike Power requested the three-year maintenance bond requirement be dropped back to two years.

Charles Baugh and Ashley Hood asked the Board to approve the Subdivision Regulations amendment as written and stated the new design and construction standards will result in a savings to county citizens.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved the amendment to the Oconee County Subdivision Regulations regarding public and private street design and location standards. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Sewer Use Policy: Commissioner Luke made a motion to approve a Sewer Use Policy setting out the allocation of sewer capacity between residential and non-residential use. Commissioner Norris seconded the motion. Commissioner Horton voted no. Commissioners Hale, Luke and Norris voted yes. The motion passed to approve the Sewer Use Policy. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Rezone Request #4421 – WBH Ventures, II: The Board held a public hearing on Rezone Request No. 4421 by WBH Ventures II, LLC, et al, ± 9.004 acres, located on Daniels Bridge Road, from OBP to OBP with modified conditions.

Representative for the applicant, Jon Williams, presented a Constitutional Challenge.

On motion by Commissioner Norris and second by Commissioner Hale, the Board voted unanimously to approve Rezone Request No. 4421, with conditions, for an office business park (The Exchange at Daniels Bridge). ***See Documentation in Ordinances and Resolutions Book No. 15.***

Conditional Use Permit #4422 – WBH Ventures, II: The Board held a public hearing on Conditional Use Permit No. 4422 by WBH Ventures II, LLC, et al, ± 9.004 acres, located on Daniels Bridge Road, to allow a child/day care center.

Representative for the applicant, Jon Williams, presented a Constitutional Challenge.

On motion by Commissioner Hale and second by Commissioner Luke, the Board unanimously approved Conditional Use Permit No. 4422 with conditions. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4423 – Marco & Kathryn Davila: The Board held a public hearing on Rezone Request No. 4423 by Marco A. & Kathryn F. Davila, ± 3.0 acres, located on Treadwell Bridge Road, from A-1 to AR-3.

On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 4423, with conditions, to divide the property into 2 single family lots. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4424 – William & Kristina Hodges: The Board held a public hearing on Rezone Request No. 4424 by William R., Jr. & Kristina Hodges, ± 58.73 acres, located on Old Salem Road, from A-1 to AR-5.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4424, with conditions, to divide the property into 3 single family lots. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4425 – Mike Power: The Board held a public hearing on Rezone Request No. 4425 by Mike Power, ± 24.556 acres, located on GA Hwy. 316 and Virgil Langford Road, from A-1 to R-3 MPD.

Mr. Power stated the development will include single family homes, condominiums, nature trails, security gates, storm water management, green space, sidewalks and convenience to the Jennings Mill Golf Course and Country Club.

Virgil Langford expressed concern with access to a pond on his adjoining property. Mr. Power said he would work with Mr. Langford on the placement of a berm and fencing along his property line. Jim Blose asked about a turn-around for emergency vehicles and buses. Mr. Power said the private streets will meet all county requirements and there would be a cul-de-sac. Jon Williams stated he was in favor of the rezone request.

On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 4423, with conditions, for a mixed residential master planned development (The Meadows, Phase IV). **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4426 – Alan Alexander: The Board held a public hearing on Rezone Request No. 4426 by Alan M. Alexander, Jr., et al, ± 54.11 acres, located on Cemetery Road, from A-1 to AR-1.

Ken Beall, representing the applicant, stated the development would consist of single family detached homes on 1-acre lots featuring curb and gutter streets and sidewalks.

There was discussion on the condition of Cemetery Road and Payne Road and their ability to serve a new residential development with 37 lots. Safety concerns at the intersection of US Hwy. 441 and Cemetery Road were also discussed.

On motion by Commissioner Horton and second by Commissioner Luke, the Board voted unanimously to deny Rezone Request No. 4426, with conditions, for a single family residential subdivision. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4427 – E. Dwayne Wilkes: The Board held a public hearing on Rezone Request No. 4427 by E. Dwayne Wilkes, ± 3.560 acres, located on GA Hwy. 15, from A-1 to AR-1.

On motion by Commissioner Norris and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4427, with condition, to add 3 lots to a single family residential subdivision (Rose Creek Subdivision). **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4428 – Michael & Peggy Miller: The Board held a public hearing on Rezone Request No. 4428 by Michael W. & Peggy L. Miller, ± 34.966 acres, located on Black Ike Road, from AR-1 to A-1.

Mr. John Bleecker stated he and his wife had signed a contract to purchase the dwelling and property at 1360 Black Ike Road. They intend to reside in the existing modular home on the site while they build a home on the back portion of the property. A rezone of this property was requested in order to divide 3 lots from the tract on an unpaved road. Mr. Bleecker said he is agreeable to dividing the 34.966 acre tract into 2 lots with the tract nearest the road to include the existing dwelling and pond with total acreage of 9 acres and the rear parcel containing the remaining 25.66 acres.

On motion by Commissioner Norris and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4428, with conditions, to divide the property into 2 single family lots. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Conditional Use Permit #4429 – Michael & Peggy Miller: The Board held a public hearing on Conditional Use Permit No. 4429 by Michael W. & Peggy L. Miller, ± 34.966 acres, located on Black Ike Road, to divide the property into two tracts on an unpaved road.

Houston Taylor, Karen Johnson and Tom Ellis spoke against the conditional use request, expressing concerns with further subdividing of the property in the future, the geography of the land and erosion and sedimentation from the construction of an access road.

Commissioner Hale made a motion to approve Conditional Use Permit No. 4429, with conditions. Commissioner Horton seconded the motion. Commissioner Luke voted no. Commissioners Hale, Horton and Norris voted yes. The motion passed to approve Conditional Use Permit No. 4429. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Variance Request #4430 – The Market at Epps Bridge: The Board held a public hearing on Variance Request No. 4430 by The Market at Epps Bridge, LLC, ± 10.51 acres, located on Epps Bridge Parkway, to reduce the height of parking lot trees under the Georgia Power Company power line easement.

On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved Variance Request No. 4430 with condition. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Rezone Request #4431 – Bobby Cook: The Board held a public hearing on Rezone Request No. 4431 by Bobby G. Cook, ± 7.363 acres, located on Malcom Bridge Road, from A-1 to OIP.

On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously approved Rezone Request No. 4431, with conditions, to develop an office park. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Rezone Request #4432 – Jesse J. Butler: The Board held a public hearing on Rezone Request No. 4432 by Jesse J. Butler, ± 2.73 acres, located on Mars Hill Road, from AR-1 and B-1 to B-1.

Representative for the applicant, Jon Williams, presented a Constitutional Challenge.

On motion by Commissioner Luke and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4432, with conditions, to develop a retail center. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Rezone Request #4433 – Jesse J. Butler: The Board held a public hearing on Rezone Request No. 4433 by Jesse J. Butler, ± 5.545 acres, located on Mars Hill Road, from AR-1 to OBP.

Representative for the applicant, Jon Williams, presented a Constitutional Challenge.

On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously approved Rezone Request No. 4433, with conditions, to develop an office park. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Family and Children Services Board Applicants: On motion by Commissioner Hale and second by Commissioner Norris, the Board voted unanimously to appoint Patsy Grimes to the Oconee County Family and Children Services Board, for a 5-year term expiring June 30, 2010.

Animal Control Board Applicants: On motion by Commissioner Hale and second by Commissioner Luke, the Board voted unanimously to reappoint Glenn Farrar and Beth Williams to the Oconee County Animal Control Board, for 2-year terms expiring June 30, 2007.

Clean & Beautiful Commission Applicants: On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to reappoint Monica Ali, Mary Mellein and Esther Porter to the Oconee County Clean & Beautiful Commission for 3-year terms expiring June 30, 2008.

Water and Sewer Agreement and Bogart Recreation Property Lease Agreement – City of Bogart: By consensus, the Board removed the Water and Sewer Agreement and the Bogart Recreation Property Lease Agreement with the City of Bogart from the Consent Agenda and postponed action on these items until the next meeting.

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

- **Policies for County Parks and Facilities:** Approved the recommendations from the Committee regarding policies and procedures for Naming County Parks and/or County Park Facilities, Monetary Contributions, Historical Building Contributions and Miscellaneous Contributions. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Executive Session: On motion by Commissioner Luke and second by Commissioner Horton, the Board adjourned into Executive Session to discuss personnel matters.

On motion by Commissioner Norris and second by Commissioner Luke, the Board adjourned Executive Session.

On motion by Commissioner Luke and second by Commissioner Horton, the Board voted to go back into Regular Session.

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

County Clerk

Chairman

Date