

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, July 5, 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
William White, Project Coordinator
Gary Dodd, Utility Director
Don Oliver, Interim Parks & Recreation Director

Media Present:

Vinnie Williams, The Oconee Enterprise

Chairman Davis began the meeting with a Moment of Silence. Russ Page led the Pledge of Allegiance.

Minutes: On motion by Commissioner Hale and second by Commissioner Luke, Minutes of the June 7 and June 28, 2005 meetings were approved as distributed.

Rezone Request #4468 – Barber Creek Land Company: The Board held a public hearing on Rezone Request No. 4468 by Barber Creek Land Co., LLP, ± 263.73 acres, located on Barber Creek Road, from A-1, A-1 CUP and AR-1 to R-3 MPD.

Attorney Michael J. McCleary presented a Constitutional Challenge to the Board of Commissioners Office on July 1, 2005

Applicant Jim Vandenburg and Ken Beall, representing the applicant, presented a slide show and overview of The Georgia Club, a 1,300-acre development featuring a community of neighborhoods. Mr. Beall explained this 263.73-acre site would be developed as a single-family detached residential district that has a total of 358 residential lots divided between four lot types - Boulevard lots, Manor lots, Estate lots and Multi-family & Courtyard lots. Mr. Beall described the different housing types in each section. He noted the age-restricted multi-family housing would be the last to be developed.

Speaking in opposition to the rezone request, Russ Page, Kate McDaniel and Mary Mellein objected to the density of the development adjacent to surrounding agricultural uses, the commercial components of the MPD not located in Oconee County, increased traffic on the roads and the lack of impact fees to cover the costs of services.

Ken Beall noted the development will be gated with private streets built by the developer and maintained by the residents. He stated, after build out, the development will bring in approximately \$2.5 million in property taxes to Oconee County.

On motion by Commissioner Norris and second by Commissioner Hale, the Board voted unanimously to approve Rezone Request No. 4468, with conditions, for a mixed residential master planned development (The Georgia Club – Barber Creek South). **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4469 – Barber Creek Land Company: The Board held a public hearing on Rezone Request No. 4469 by Barber Creek Land Co., LLP, ± 112.43 acres, located on Barber Creek Road, from A-1 to R-1 MPD.

Attorney Michael J. McCleary presented a Constitutional Challenge to the Board of Commissioners Office on July 1, 2005

Ken Beall, representing the applicant, said the 112.43-acre site would be developed as a single-family detached residential district that has a total of 108 residential lots divided between four lot types - Boulevard lots, Manor lots, Homestead lots and Estate lots. He stated the developers are attempting to offer a variety of price range, architecture and forms of ownership.

Rick Waller spoke in favor of the rezone request and reported the Chamber of Commerce was in full support. Larry Benson stated the dividends from the project would be good for Oconee County.

Russ Page questioned who would pay for road maintenance and improvements, public safety, recreation, library, etc. and said impact fees could pay for some of those things. Mary Mellein stated she had the same concerns against this rezone request as the previous rezone request.

On motion by Commissioner Hale and second by Commissioner Luke, the Board unanimously approved Rezone Request No. 4469 with conditions, for a single family residential master planned development (The Georgia Club – Oconee North). **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4472 – Bomac Investments: The Board held a public hearing on Rezone Request No. 4472 by Bomac Investments, LLC, ± 67.939 acres, located on Monroe Highway, from R-2 MPD to R-2 MPD with modifications.

Jon Williams stated the applicant was requesting an amendment to the architectural requirements for materials used in the construction of the home facades.

On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously approved Rezone Request No. 4472, with modified conditions, for a mixed commercial/residential master planned development (Franklin Grove). **See Documentation in Ordinances and Resolutions Book No. 15.**

Conditional Use Permit #4518 – Ray Middlebrooks: The Board held a public hearing on Conditional Use Permit No. 4518 by H. Ray Middlebrooks, ± 60.15 acres, located on Middlebrooks Road, to divide the property into 2 lots.

On motion by Commissioner Horton and second by Commissioner Norris, the Board unanimously approved Conditional Use Permit No. 4518, with conditions. **See Documentation in Ordinances and Resolutions Book No. 15.**

Conditional Use Permit #4519 – P & A Ventures: The Board held a public hearing on Conditional Use Permit No. 4519 by P & A Ventures, Inc., ± 1.53 acres, located on Price Mill Road, to construct an amenity area (Townside Amenity Area).

On motion by Commissioner Norris and second by Commissioner Horton, the Board unanimously approved Conditional Use Permit No. 4519, with conditions, **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4521 – Meeler and Crowe: The Board held a public hearing on Rezone Request No. 4521 by William A. Meeler and H.D. & Rosa L. Crowe, ± 1.091 acres, located on Lenru Road, from A-1 to B-1.

Don Carter, representing the applicant, requested a reduction in the buffer requirements between the site and the adjacent single family residence.

On motion by Commissioner Horton and second by Commissioner Luke, the Board unanimously approved Rezone Request No. 4521, with conditions, to develop two commercial/office buildings (Lenru Park Office Development). **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4522 – Sarah Howell: The Board held a public hearing on Rezone Request No. 4522 by Sarah L. Howell, ± 6.003 acres, located on Barber Creek Road, from A-1 to AR-1.

Ms. Howell stated the purpose of her request was to divide a ±1.932 acre tract from the front of the property.

On motion by Commissioner Luke and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 4522, with condition, to divide the property into 2 single family lots. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4523 – Church of the Nations: The Board held a public hearing on Rezone Request No. 4523 by Church of the Nations, ± 9.05 acres, located on Macon Highway, from B-2 & R-1 to OIP.

Assistant Pastor Mark Preston spoke on the plans to expand the church and education facilities.

Parker Craig, speaking on behalf of his grandmother's residence located next door to the church, requested low lighting, enclosed refuse areas and a 6 ft. evergreen buffer.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4523, with conditions, for a building addition and renovation of the existing church facility. **See Documentation in Ordinances and Resolutions Book No. 15.**

Conditional Use Permit #4524 – Church of the Nations: The Board held a public hearing on Conditional Use Permit No. 4524 by Church of the Nations, ± 9.05 acres, located on Macon Highway, to expand existing church facilities.

On motion by Commissioner Horton and second by Commissioner Luke, the Board unanimously approved Conditional Use Permit No. 4524, with conditions, **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4525 – Irwin and John: The Board held a public hearing on Rezone Request No. 4525 by Wesley Irwin and JoJo John, ± 2.045 acres, located on Atlanta Highway, from A-1 to B-2.

On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 4525, with conditions, to develop a convenience store/retail building and gasoline station (Fast Phil's Convenience Store). ***See Documentation in Ordinances and Resolutions Book No. 15.***

Conditional Use Permit #4526 – William E. Craig: The Board held a public hearing on Conditional Use Permit No. 4526 by William E. Craig, ± 19.59 acres, located on Old Watson Springs Road and Black Ike Road, to divide property into 3 lots.

Mr. Craig stated the purpose of his request was to subdivide the parcel into three lots sized from 5 acres to 7.8 acres for residential use. Water supply for each lot would be by well and sewer by septic system. No mobile or modular homes would be allowed. Mr. Craig stated he would be willing to grant an additional 10 ft. of right of way along Black Ike Road.

Patrick Craig, the applicant's son, stated he owned property across the street and had no objections to the conditional use permit request.

The Board expressed concern for subdividing the property into 3 lots on an unpaved county road.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Conditional Use Permit No. 4526, with conditions, to divide the property into 2 lots. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Rezone Request #4527 – Bomac Investments: The Board held a public hearing on Rezone Request No. 4527 by Bomac Investments, LLC, ± 11.78 acres, located on Virgil Langford Road and GA 316, from A-1 to B-2.

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

Mr. Williams said the development would consist of 5 commercial lots for a 75-room hotel, an office center, a retail center, a fast-food restaurant and a stand-alone restaurant. Sidewalks would be located throughout the development except on the GA 316 side of the entrance. Mr. Williams stated he was agreeable to the condition of brick exterior for the first floor of the hotel.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4527, with conditions, to develop a 5-lot commercial subdivision. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Clean and Beautiful Commission Appointment: On motion by Commissioner Norris and second by Commissioner Hale, the Board voted unanimously to appoint Penny Mills to the Oconee County Clean and Beautiful Commission for a three-year term, expiring June 30, 2008, and encouraged the Clean and Beautiful Commission to utilize Karen Tinsley in some capacity due to her interest in the beautification of Oconee County.

Cultural and Recreational Affairs Committee – Cultural/Tourism Subcommittee Appointments: On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to reappoint A.L. Cuming and Daniel J. Matthews, Jr. to the Citizens Advisory Committee on Cultural and Recreational Affairs – Cultural/Tourism Subcommittee for two-year terms, expiring September 30, 2007.

Cultural and Recreational Affairs Committee – Recreation Subcommittee Appointment: On motion by Commissioner Hale and second by Commissioner Luke, the Board voted unanimously to reappoint Cindy Willocks to the Citizens Advisory Committee on Cultural and Recreational Affairs – Recreation Subcommittee for a two-year term, expiring September 30, 2007.

Land Use and Transportation Committee Appointments: On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to appoint Sam Qubty (Post 2), Mary Mellein (Post 4) and Matthew G. Fletcher (Post 6) to the Oconee County Land Use and Transportation Advisory Committee for two-year terms expiring September 30, 2007.

Planning Commission Appointments: On motion by Commissioner Hale and second by Commissioner Luke, the Board voted unanimously to appoint Mike Floyd (Post 3) and Dan Arnold (Post 8) to the Oconee County Planning Commission, for four-year terms expiring September 30, 2009.

Georgia Joint BioScience Development Authority Appointment: On motion by Commissioner Norris and second by Commissioner Luke, the Board voted unanimously to appoint Charles Grimes, President of the Oconee County Chamber of Commerce, to Post 4 on the Georgia Bioscience Joint Development, to fill an unexpired term, expiring April 30, 2006.

Water and Sewer Agreement – City of Bogart: On motion by Commissioner Luke and second by Commissioner Horton, the Board unanimously approved an intergovernmental agreement with the City of Bogart regarding water and sewer services within the city limits. The agreement indicates that water and sewer will be available to the City of Bogart on a project-by-project basis subject to the County Comprehensive Plan, funds availability, sound engineering practices, capacity availability and permitting. The term of this agreement is 50 years. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Bogart Recreation Property Lease Agreement – City of Bogart: On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved a lease agreement with the City of Bogart regarding the 22 acres of land owned by the City and utilized as a county recreation complex. The existing lease agreement will expire July 10, 2005. The term of this agreement is 25 years. ***See Documentation in Ordinances and Resolutions Book No. 15.***

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

- **Pest Control:** Awarded the 2005-2006 Pest Control Contract to the low bidder, Houseman Pest Control, in the amount of \$4,500.00.
- **Road Patching and Resurfacing:** Awarded the 2005-2006 County Road Patching and Resurfacing Program contract to the low bidder, E.R. Snell Contractor, Inc., in the amount of \$425,400.50.
- **Crack Sealing:** Awarded the 2005-2006 Crack Sealing Program contract to the low bidder, Advanced Asphalt Coating, in the amount of \$71,268.50.
- **Road Striping:** Awarded the 2005-2006 County Road Striping Program contract to the low bidder, Mid-State Striping, Inc., in the amount of \$18,710.78.
- **Indigent Defense Services Agreement:** Approved the annual agreement with the Western Judicial Circuit Public Defender Office for the provision of Indigent Defense Services for FY 2005-2006, at a cost of \$112,853. The agreement also includes a supplement to the salary of the Circuit Public Defender in the amount of \$5,000.

Citizen Statements and Remarks: Mr. Glen Townsend spoke on property owned by his family along U.S. 441 and Old Macon Highway. He explained a portion of the property was rendered useless when U.S. 441 was realigned to intersect with Loop 10. He asked to be allowed to place 1 or 2 billboard signs on this strip of property to generate income to pay the property taxes. The County Attorney explained the allowance of signs is tied to the use of the property and not to the zoning classification. The Board discussed Mr. Townsend's options to place the property under "conservation use".

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

County Clerk

Chairman

Date