

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, October 4, 2005, at 7:00 p.m., in Courtroom No. 1, 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
Matt Forshee, Planning & Economic Develop
Brad Callender, Planner
Sandy Thursby, Planner
Mike Leonas, Public Works Director
William White, Project Coordinator
Gary Dodd, 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.

Chairman Davis announced that Celeste Sharpe, a student at the New York University Film School, was having the meeting filmed for a school project.

Minutes: On motion by Commissioner Luke and second by Commissioner Horton, Minutes of the September 6 and September 20, 2005 meetings were approved as distributed.

Frances Cochran: The Board presented a Proclamation to Frances Cochran in appreciation of her contributions as a member of the Oconee County Planning Commission and declaring October 2005 as "Frances Cochran Month" in Oconee County.

Sign Regulations Amendment: On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously approved an Ordinance to Amend the Sign Regulations of Oconee County to revise the sign application process and the required distances between principal freestanding signs. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4588 – Christopher Todd Childers: On motion by Commissioner Norris and second by Commissioner Horton, the Board voted unanimously to table Rezone Request No. 4588 by Christopher Todd Childers to the November 1, 2005 meeting, as requested by the applicant.

Rezone Request #4649 – E. Dwayne Wilkes, E.M. & Betty Wilkes, Rose Creek Development and Malcom R. Nolland: On motion by Commissioner Hale and second by Commissioner Norris, the Board voted unanimously to table Rezone Request No. 4649 by E. Dwayne Wilkes, E.M. & Betty Wilkes, Rose Creek Development and Malcom R. Nolland to the November 1, 2005 meeting, as requested by the applicant.

Rezone Request #4550 – Burntwood Properties, LLC: The Board held a public hearing on Rezone Request No. 4550 by Burntwood Properties, LLC, ± 41.616 acres, located on Choyce Johnson Road, from A-1 to AR-5.

On motion by Commissioner Luke and second by Commissioner Norris, the Board unanimously approved Rezone Request No. 4550, with conditions, for a single-family residential subdivision. **See Documentation in Ordinances and Resolutions Book No. 15.**

Variance Request #4648 – Burntwood Properties, LLC: The Board held a public hearing on Variance Request No. 4648 by Burntwood Properties, LLC, ± 41.616 acres, located on Choyce Johnson Road, to allow individual driveways on a minor collector road.

On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved Variance Request No. 4648, with conditions. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4589 – Kendra Watson: The Board held a public hearing on Rezone Request No. 4589 by Kendra Watson, ± 5.641 acres, located on Lane Creek Road, from A-1 to AR-2.

On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously approved Rezone Request No. 4589, with conditions, to divide one tract from the property. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4639 – Sun Equity Investments, LLC: The Board held a public hearing on Rezone Request No. 4639 by Sun Equity Investments, LLC, ± 421.464 acres, located on Choyce Johnson Road, from A-1 to AR-1 and FP.

Commissioner Luke made the motion to approve Rezone Request No. 4639, with conditions. Commissioner Norris seconded the motion. Commissioners Luke, Norris and Hale voted yes. Commissioner Horton voted no. Rezone Request No. 4639 was approved for a single-family residential subdivision. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4640 – Plant A Seed, LLC: The Board held a public hearing on Rezone Request No. 4640 by Plant A Seed, LLC, ± 66.454 acres, located on Mars Hill Road, from AR-1 to B-1.

The Presentation and Public Hearing for Rezone Request No. 4640 and Rezone Request No. 4641 were held at the same time.

The applicants' representative, Ken Beall, submitted a Constitutional Challenge for Rezone Request No. 4640.

Mr. Beall explained the petitioners' desire to develop an upscale business park subdivision. The project will feature (a) general business out lots available for purchase along the frontage of Mars Hill Road; (b) a complex of one-story general business building called "the Promenade" at Parkside; (c) a complex of two-story business condominium buildings called "the Commons" at Parkside; and (d) office/institutional lots along the site perimeter adjacent to residential properties. The property will be predominately developed with OIP uses on 25 lots on 48.29 acres adjacent to residential uses and with B-1 uses in 55 buildings on 66.45 acres adjacent to proposed OIP uses and heavily traveled arterial county roads. The infrastructure and building construction will require 12 – 15 years to complete.

Jim Finerty, Zach McLeroy, Abe Abouhamdan, Steve Rogers and Mark Jennings spoke in favor of the request and the need for office and commercial development to create jobs and broaden the tax base.

Speaking in opposition to the rezone request, Bob Kraeling, Greg Buck, Madison Hood, Ashley Hood, Stephen Harvey, Ginny Chasteen, Lee Becker and Todd Dewberry expressed concerns for the volume of traffic on Mars Hill Road, the size of the development, non-compliance with the Future Land Use Plan, protection of streams located on the property and the amount of sewer capacity that would be required.

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to deny Rezone Request No. 4640. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4641 – Plant A Seed, LLC: The Board held a public hearing on Rezone Request No. 4641 by Plant A Seed, LLC, ± 48.278 acres, located on Mars Hill Road, from A-1 and AR-1 to OIP.

The applicants' representative, Ken Beall, submitted a Constitutional Challenge for Rezone Request No. 4641.

The Presentation and Public Hearing for Rezone Request No. 4640 and Rezone Request No. 4641 were held at the same time.

On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously approved Rezone Request No. 4641, with conditions, for an office/professional/institutional development. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4642 – Ian Martin McClure: The Board held a public hearing on Rezone Request No. 4642 by Ian Martin McClure, ± 23.00 acres, located on Antioch Church Road, from A-1 to AR-5.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4642, with conditions, for a single-family residential subdivision of 2 lots. **See Documentation in Ordinances and Resolutions Book No. 15.**

Variance Request #4643 – Ian Martin McClure: The Board held a public hearing on Variance Request No. 4643 by Ian Martin McClure, ± 23.00 acres, located on Antioch Church Road.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Variance Request No. 4643, with conditions, to allow separate driveways. **See Documentation in Ordinances and Resolutions Book No. 15.**

Rezone Request #4647 – Winamin, LLC: The Board held a public hearing on Rezone Request No. 4647 by Winamin, LLC, ± 2.55 acres, located on Mars Hill Road, from A-1 to OBP.

On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 4647, with conditions, for an office-business park (The Commons at Mars Hill). **See Documentation in Ordinances and Resolutions Book No. 15.**

Oconee County Development Authority Appointments: On motion by Commissioner Luke and second by Commissioner Hale, the Board voted unanimously to appoint Amrey Harden and Chuck Williams to the Oconee County Development Authority, for four-year terms, expiring December 31, 2009.

Oconee County Board of Elections Appointments: On motion by Commissioner Norris and second by Commissioner Luke, the Board voted unanimously to appoint Terrell Jones and Gene Lyon to the Oconee County Board of Elections for four-year terms expiring December 31, 2009.

Oconee County Library Board Appointments: On motion by Commissioner Hale and second by Commissioner Norris, the Board voted unanimously to appoint Phyllis Luke and Dorothy G. Peltier to the Oconee County Library Board for five-year terms expiring December 31, 2010. Commissioner Luke recused himself from the discussion and vote.

Oconee County Board of Health Appointment: On motion by Commissioner Horton and second by Commissioner Luke, the Board voted unanimously to appoint Dr. William Rigsby to the Oconee County Board of Health for a five-year term expiring December 31, 2009.

Cultural and Recreational Affairs Committee – Cultural and Tourism Subcommittee Appointment: On motion by Commissioner Norris and second by Commissioner Hale, the Board voted unanimously to appoint Elaine R. Brown to the Citizens Advisory Committee on Cultural and Recreational Affairs – Cultural and Tourism Subcommittee for a two-year term, expiring September 30, 2007.

Jennings Mill Parkway Extension Project – ROW Acquistion: On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously approved the bid of \$37,050 by Wilbur Smith Associates for professional right-of-way acquisition services for the Jennings Mill Parkway Extension Project.

Property and Liability Insurance: On motion by Commissioner Norris and second by Commissioner Horton, the Board unanimously approved the renewal of the ACCG-IRMA contract for Property and Liability Insurance with a \$10,000 deductible, effective October 1, 2005. The contribution for 2005-2006 is not to exceed \$180,551.

Jail and E911/EOC Project Update: Project Manager Wayne Wilbanks and Consultant Liz Hudson presented a status report on the Jail and E911/EOC Project. Construction documents are expected to be completed and issued for bid by October 31, 2005. Bids for the building construction contract will be received for full and half pod pricing and opened on November 17, 2005. The bids will be ready for Board approval on December 6, 2005.

Bids for the site work contract will be opened on October 18, 2005 and ready for Board approval on November 1, 2005.

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

- **Staggered Terms:** Approved a Resolution of the Board of Commissioners to request legislation be introduced which would provide that the elected representatives of the Board be elected to staggered terms.
- **Request to Rezone Properties:** Approved a request from nine property owners to initiate the rezone of their properties on Pete Dickens Road and Aiken Road from R-2 to R-1.

Statements and Remarks from Citizens: Russ Page spoke on the tabling of rezone requests at the Board of Commissioners level and the fairness to citizens with opposing views who attend the meeting.

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

County Clerk

Chairman

Date