

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, August 7, 2007, in the Courtroom No. 1 at the Oconee County Courthouse.

Members Present: Chairman Melvin Davis  
Commissioner Jim Luke  
Commissioner Don Norris  
Commissioner Margaret Hale  
Commissioner Chuck Horton

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

B.R. White, Director, Planning  
Brad Callender, Planner  
Krista Gridley, Planner  
Bryce Jaeck, Planner  
Chris Thomas, Utility Director  
John Hatcher, Asst. Utility Director  
William White, Project Coordinator  
Jeff Benko, Finance Director  
Steve Hansford, Code Enforcement Director  
Rusty Haygood, Econ Develop Director  
John Gentry, Parks & Recreation Director

Media Present: Vinnie Williams, The Oconee Enterprise  
Chris Butler, 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 Luke and second by Commissioner Horton, Minutes of the July 3, July 23 and July 31, 2007 meetings were approved as distributed.

**4-H Recognition:** The Board of Commissioners recognized and commended the following State 4-H winners and participants at the 2007 4-H State Congress: Abby Anderson – Performance in General Recreation Project; Tyler Beckett – Performance in Public Speaking Project; Jacob Daniel – State Winner in Pork Production Project; Josh Daniel – Performance in Veterinary Science Project; Alan Martin – Performance in Sports Project; Camille Odum – State Winner in Family Resource Management Project; Christine Odum – State Winner in Food Safety and Preparation Project; Sally Stewart – State Winner in Sheep and Meat Goats Project; Katie Gadza – Performance in Beef Project; and, Morgan White – State Winner in Companion Animals.

**Rezone Request No. 5490 - Gissendaner:** The Board held a public hearing on Rezone Request No. 5490 by Frances R. Gissendaner, et al, ±284.29 acres, located on Old Barnett Shoals Road from A-1 to AR-1.

Planner Brad Callender presented the staff report with 17 recommended conditions if the rezone was approved.

Kenneth Beall, representing the applicant, submitted a Constitutional Challenge.

Mr. Beall stated the applicant was in full agreement with the 17 conditions recommended by the planning staff. He submitted an email from GA DOT Engineer Bill Ingalsbe stating the Barnett Shoals Road Bridge has been reviewed and considered acceptable for the proposed addition of a 12” water main.

Mr. Beall presented various photographs and diagrams detailing the subdivision entrance concept, the representative architecture, construction phases and an illustrative master plan. He stated the project would improve the value of surrounding residential properties and noted the development would bring enhanced water availability and fire protection to this part of the county at the expense of the developers.

Mr. Beall said the proposed subdivision was low density and environmentally sensitive. There would be no mass grading or clear cutting and an effort would be made to preserve all possible trees. An archaeological and environmental survey determined there was neither evidence of Indian mounds nor any areas of historical significance that would be affected by the proposed development.

Pete Lasier and Russell Faulkner stated the upscale subdivision would be an asset to the county and to the Creekside Country Club. Parley Winger explained the bacteria in the Oconee River were due to urban runoff, not septic systems.

Judith Donahue, Don Schenk, Dennis Luckey, Ann Summers, Tom Hurst, Mincy Moffett, Russ Page, Charles Baugh, Lisa O'Steen, Bill Paul, Sherri Savage, Kent Wolfe, Tony Glenn, Steve Flig, John James, David Meadow, Paul Dorsey, Gail Hoge and Dave Mulkey spoke in opposition to the rezone request, expressing concerns for environmental effects, increased traffic, historically significant resources in the area, solid waste, impact on the local schools, lack of infrastructure, high density and quality of life.

Bill Frank, Jimmy Dean, Phil Freshley, Derrek Crowe, Tom Evans, Todd McCampbell, David Bird and Frank Horne spoke in support of the rezone request, stating the development would be a benefit to the county and the adjoining property and the proposal is consistent with development trends in the area and the future land use map.

Following brief discussion on the weight capacity of the bridge, the size of the water line and the archaeological survey, Commissioner Horton made the motion to deny Rezone Request No. 5490. Commissioner Luke seconded the motion. Commissioners Horton and Luke voted yes. Commissioners Norris and Hale voted no. Chairman Davis voted no. The motion failed.

Commissioner Norris made the motion to approve Rezone Request No. 5490, with conditions. Commissioner Hale seconded the motion. Commissioners Norris and Hale voted yes. Commissioners Horton and Luke voted no. Chairman Davis voted yes.

Rezone Request No. 5490 by Frances R. Gissendaner, et al, ±284.29 acres, located on Old Barnett Shoals Road from A-1 to AR-1 was approved, with conditions, for a single family residential subdivision (Old Barnett Estates). ***See Documentation in Ordinances and Resolutions Book No. 17.***

***Rezone Request No. 5491 – Millstone Homes:*** The Board held a public hearing on Rezone Request No. 5491 by Millstone Homes, et al, ±88.476 acres, located on Rocky Branch Road from R-2 MPD and FP to R-2 MPD and FP, with modifications.

Planner Brad Callender presented the staff report with 17 recommended conditions if the rezone was approved.

Kenneth Beall, representing the applicant, said the modification is requested to allow the construction of a private driveway from the existing Rowan Oak development through the perimeter buffer of the MPD project.

John Morgan spoke in favor of the rezone request, noting the density of the subdivision would be decreased.

No one spoke in opposition to the rezone request. Jason Fitzpatrick requested the private driveway be constructed with materials consistent with driveway materials currently used in the subdivision.

On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously approved Rezone Request No. 5491 by Millstone Homes, et al, ±88.476 acres, located on Rocky Branch Road from R-2 MPD and FP to R-2 MPD and FP with modifications, with conditions (Rowan Oak). ***See Documentation in Ordinances and Resolutions Book No. 17.***

**Variance Request No. 12298, Rezone Request No. 5492 and Special Use Request No. 5493 – Quin-Mor, LLC:** The Board held a public hearing on Variance Request No. 12298, to allow vehicle access ways in the area between the buildings and an adjacent agricultural zoning district, Rezone Request No. 5492, from A-1 to OBP and Special Use Request No. 5493, for general warehousing, mini-warehouses and self-storage units by Quin-Mor, LLC, ±5.0 acres, located on Hog Mountain Road (SR 53).

Staff report presentations were made at the same time by Code Enforcement Director Steve Hansford and Planner Krista Gridley.

Justin Greer, representing the applicants, said the applicants propose to develop an upscale warehousing and self storage facility (Town and Country Storage). The structures facing Hog Mountain Road are to be brick on three sides with stucco, hardy-board and other material detailing. Fourteen buildings are proposed to be phased in, based on consumer demand. Mr. Greer explained the access ways are needed to provide a circulation route around the proposed storage buildings because of limiting topographical issues on the site. He noted the topography drops from north to south to an existing drainage swale.

Applicants Ted Evans and Katrina Evans said there is a need in the area for this type of service. They plan for a state of the art facility. Trees and landscaping will be a high priority.

Adjoining property owner John Dixon stated the subject property drops 30 ft. and 100% of the water runoff from the property goes into his public fishing lake. He was concerned that after the development takes place, 90% of the property will become impervious surface. He explained the steps he had taken to keep his property environmentally safe. Mr. Dickson also objected to the metal panel exteriors on the buildings facing his property.

Ken Beall, also representing the applicants, requested a postponement in order to address the concerns of Mr. Dickson.

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to postpone action on Variance Request No. 12298, Rezone Request No. 5492 and Special Use Request No. 5493 and directed the applicants to present any revisions to the plan to the Planning Department. The planning staff will determine if the revisions are significant enough to require the applicants to start over with the approval process.

**Rezone Request No. 5494 – Peggy S. Barnett:** The Board held a Public Hearing on Rezone Request No. 5494 by Peggy S. Barnett, ±3.54 acres, located on Welbrook Road, from A-1 to R-1.

Planner Bryce Jaeck presented the staff report with 6 recommended conditions if the rezone was approved.

Jon Williams, representing the applicant, stated the owner would like to subdivide the property into 4 single-family lots. No one spoke in opposition to the Rezone Request.

On motion by Commissioner Hale and second by Commissioner Luke, the Board voted unanimously to approve Rezone Request No. 5494, with conditions, to develop a four lot single-family residential subdivision. ***See Documentation in Ordinances and Resolutions Book No. 17.***

**Variance Request No. 12229 – Moores Ford River, LLC:** The Board held a public hearing on Variance Request No. 12229, ±63.871 acres, located on Moores Ford Road, to waive the 80' separation of right-of-way to property line and to waive the turn around at 1000' for a cul de sac.

Staff report presentations for Variance Request No. 12229 and Rezone Request No. 5495 were made at the same time by Code Enforcement Director Steve Hansford and Planner Bryce Jaeck.

Tom Breedlove, representing the applicant, stated the proposed right-of-way line abuts the adjoining property line in an effort to minimize impact to the environmentally sensitive areas of the site. Also, locating a turn around at the 1000' interval would create unnecessary impact on the areas. Mr. Breedlove presented a letter from adjacent property owner, Homer Wood, Jr., stating his support for the request to place the proposed right-of-way at a zero separation from his property line.

No one spoke in opposition to the Variance Request.

On motion by Commissioner Luke and second by Commissioner Hale, the Board unanimously approved Variance Request No. 12229, with conditions. ***See Documentation in Ordinances and Resolutions Book No. 17.***

***Rezone Request No. 5495 – Moores Ford River, LLC:*** The Board held a Public Hearing on Rezone Request No. 5495 by Moores Ford River, LLC, ±63.871 acres, located on Moores Ford Road, from A-1 to AR-2.

Staff report presentations for Variance Request No. 12229 and Rezone Request No. 5495 were made at the same time by Code Enforcement Director Steve Hansford and Planner Bryce Jaeck.

Tom Breedlove, representing the applicant, stated a 24 single-family residential subdivision is proposed with a minimum of 2-acre lots. No one spoke in opposition to the Rezone Request.

On motion by Commissioner Hale and second by Commissioner Norris, the Board voted unanimously to approve Rezone Request No. 5495, with conditions, for a single-family subdivision (Glacier Park, Phase II). ***See Documentation in Ordinances and Resolutions Book No. 17.***

***Keep Oconee County Beautiful Commission:*** On motion by Commissioner Luke and second by Commissioner Hale, the Board unanimously appointed Marge McKee to the Keep Oconee County Beautiful Commission for a 3-year term expiring on June 30, 2010.

***Planning Commission:*** On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously appointed Penny Mills, William C. Steen and Bill Yarbrough to the Oconee County Planning Commission. Dr. Mills was appointed to fill an unexpired term expiring September 30, 2010. Dr. Steen and Mr. Yarbrough were reappointed to 4-year terms, expiring September 30, 2011.

***Cultural Affairs and Tourism Committee:*** On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously appointed Deborah Beese, A.L. Cuming, Chris Gholson and Greg Shoemaker to the Oconee County Citizens Advisory Committee on Cultural Affairs and Tourism for two-year terms expiring September 30, 2009.

***Recreational Affairs Committee:*** On motion by Commissioner Horton and second by Commissioner Luke, the Board unanimously appointed William (Bill) Baker, Carolyn Elmore and Heather Marchant to the Oconee County Citizens Advisory Committee on Recreational Affairs for two-year terms expiring September 30, 2009.

***Land Use & Transportation Planning Committee:*** On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously appointed Derrek Crowe, Courtney Gale, Mary Mellein and Flynn Warren to the Oconee County Citizens Advisory Committee on Land Use & Transportation Planning for two-year terms expiring September 30, 2009.

**LAS Design Proposal:** Utility Director Chris Thomas reported the Review Committee had completed its review of the three proposals for the Rocky Branch engineering upgrade and recommended the use of Jordan, Jones & Goulding for the design of the upgrade to the Rocky Branch Water Reclamation Facility. By consensus, no action was taken on this matter.

**Sewer Use Policy:** Utility Director Chris Thomas recommended revising the Sewer Use Policy to provide for 50% of the capacity allocation to commercial and 50% of the capacity allocation to residential, after a 20% reserve for economic development projects and a 30% reserve for residential septic system failures.

It was the consensus of the Board to postpone any revisions to the Sewer Use Policy until it is known what the sewer expansion capacity will be.

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

- **R-O-W Deed – Morningside Subdivision:** Accepted the road right-of-way and right-of-way deeds for Morningside Subdivision.
- **R-O-W Deed – Parkside, Phase I:** Accepted the road right-of-way and right-of-way deeds for Parkside, Phase I.

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

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County Clerk

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Chairman

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Date