

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, March 4, 2008, in the Commission Meeting Chambers 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

BR White, Planning Director
Brad Callender, Planner
Krista Gridley, Planner
John Hatcher, Utility Director
Emil Beshara, Public Works Director
Jeff Benko, Finance Director
William White, Project Coordinator
Rusty Haygood, Econ Develop Director

Media Present: Vinnie Williams, The Oconee Enterprise
Adam Thompson, Athens Banner-Herald

Chairman Davis began the meeting with a moment of silence. Commissioner Luke led the Pledge of Allegiance.

Minutes: On motion by Commissioner Hale and second by Commissioner Horton, Minutes of the February 5, 2008 meeting were approved as distributed.

On motion by Commissioner Luke and second by Commissioner Norris, Minutes of the February 26, 2008 meeting were approved as distributed. Commissioner Hale recused herself from the vote.

Water Conservation Rates: Dr. Jim Kundell, Chairman of the Drought Contingency Committee, presented the committee's recommendation for a new conservation pricing plan for water consumption. Dr. Kundell explained the proposed water rate structure is designed to increase the number of tiers to six and increase the difference in each tier's pricing to give a significant incentive to reduce water usage.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved the Water Rate Schedule, as recommended by the Drought Contingency Committee, to be effective April 1, 2008.

Rezone Request No. 5637 – Church of Jesus Christ of Latter-Day Saints: The Board held a Public Hearing on Rezone Request No. 5637 by the Corporation of The President Bishop of the Church of Jesus Christ of Latter-Day Saints, et al, ±23.098 acres, located on Julian Drive and SR 316, from OIP to OIP with modifications.

Staff report presentations for Rezone Request No. 5637 and Special Use Request No. 5638 were made at the same time by Planner Krista Gridley.

Casey Durden, representing the applicant, said he was available for questions.

No one spoke in favor or in opposition to the Rezone Request.

On motion by Commissioner Horton and second by Commissioner Norris, the Board voted unanimously to approve Rezone Request No. 5637 by the Corporation of The President Bishop of the Church of Jesus Christ of Latter-Day Saints, et al, ±23.098 acres, located on Julian Drive and SR 316, from OIP to OIP with modifications, with conditions. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Special Use Request No. 5638 – Church of Jesus Christ of Latter-Day Saints:

The Board held a Public Hearing on Special Use Request No. 5638 by the Corporation of The President Bishop of the Church of Jesus Christ of Latter-Day Saints, et al, ±16.46 acres, located on Julian Drive and SR 316, to allow for a community scale church.

Staff report presentations for Rezone Request No. 5637 and Special Use Request No. 5638 were made at the same time by Planner Krista Gridley.

Casey Durden, representing the applicant, said he was available for questions.

No one spoke in favor or in opposition to the Special Use Request.

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to approve Special Use Request No. 5638 by the Corporation of The President Bishop of the Church of Jesus Christ of Latter-Day Saints, et al, ±16.46 acres, located on Julian Drive and SR 316, with conditions, to allow for a community scale church. **See Documentation in Ordinances and Resolutions Book No. 18.**

Special Use Request No. 5649 – All Sports Holdings and Connie Scruggs:

The Board held a Public Hearing on Special Use Request No. 5649 by All Sports Holdings, LLC and Connie Scruggs, ±6.156 acres, located on Mars Hill Road and Julian Drive, to allow for a neighborhood scale church.

Planner Krista Gridley presented the staff report.

Kenneth Beall, representing the applicant, said modifications will be made to the interior of the primary building for use as a sanctuary and additional parking areas are planned to accommodate expanding membership. The existing house will be utilized for educational purposes.

No one spoke in favor or in opposition to the Special Use Request.

On motion by Commissioner Norris and second by Commissioner Luke, the Board voted unanimously to approve Special Use Request No. 5649 by All Sports Holdings, LLC and Connie Scruggs, ±6.156 acres, located on Mars Hill Road and Julian Drive, with conditions, to allow for a neighborhood scale church. **See Documentation in Ordinances and Resolutions Book No. 18.**

Rezone Request No. 5650 – Roy Lee and John D. Sosbee: The Board held a Public Hearing on Rezone Request No. 5650 by Roy Lee and John D. Sosbee, ±3.26 acres, located on Hog Mountain Road, from R-1 to OIP.

Planner Brad Callender presented the staff report.

Jim Warnes, representing the applicants, said the applicants have owned the tract for 13 years and the proposed development is consistent with the commercial and office developments across from the property. Mr. Warnes stated the applicants have agreed to donate a 20' right-of-way for future improvements to Hog Mountain Road. Bob Smith presented a revised site plan illustrating the 20' right-of-way.

Iris Duncan, Samuel Giovingo, Charles Floyd and Nancy Floyd spoke in favor of the rezone request and noted the property has been vacant for a long time and this is the type of development they would prefer to go there.

Lee Cain, Lucy Rimler and Eric Dahl spoke in opposition to the rezone request and expressed their concerns for water run-off, increased traffic and the negative impact on the residential neighborhoods in the area.

Public Works Director Emil Beshara said on-site stormwater management areas and drainage easements will be utilized to control run-off. Mr. Beshara and the Board discussed future road improvements to Hog Mountain Road.

On motion by Commissioner Horton and second by Commissioner Luke, the Board voted unanimously to approve Rezone Request No. 5650 by Roy Lee and John D. Sosbee, ±3.26 acres, located on Hog Mountain Road, from R-1 to OIP, with conditions. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Land Use and Transportation Planning Committee Appointment: On motion by Commissioner Luke and second by Commissioner Hale, the Board unanimously appointed William P. (Patrick) Rutledge to the Oconee County Land Use and Transportation Planning Committee to fill an unexpired term, expiring September 30, 2009.

Rocky Branch Water Reclamation Facility – Engineering Design Services: Mr. Herb Feldman presented a proposal by HSF Engineering, Inc. for engineering design and support services for the Rocky Branch Water Reclamation Facility Upgrade.

Mr. Feldman spoke on the firm's background and operating philosophy. He stated HSF Engineering has completed the design and construction observation of four "Qualifluent" wastewater treatment facilities in the State of Georgia and numerous water and sewer collection system projects. The firm is based in Winder, Georgia and will be readily accessible to provide both technical and operational support. He introduced the lead project personnel: Neil Counts, Dan Feldman, Bob Sheldon and Mike Bledsoe.

Mr. Feldman explained the design will result in a facility that can easily and consistently meet the permit requirements. It will be economical to operate and esthetically pleasing in appearance. Odor control will be a prime consideration. He noted the design will provide superior effluent quality through tertiary membrane filtration. Mr. Feldman stated at no time would stored water or reject water be discharged to Barber Creek. He also noted the design for the septage treatment and the belt press system were added to the scope of the project through the negotiation process at no extra cost (an approximate \$75,000 savings).

Lee Becker, Tim Price, Kate McDaniel and Gary Dodd expressed their support for the proposal.

On motion by Commissioner Horton and second by Commissioner Luke, the Board unanimously approved the proposal by HSF Engineering, Inc. for engineering and design support services for the Rocky Branch Water Reclamation Facility Upgrade at a total cost of \$572, 000.00, that includes the design for a belt press and septage station.

Van Purchase for 4-H and Extension Service: On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved the emergency purchase of a 15-passenger van for 4-H and the Extension Service at a cost of \$18,000.

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

- ***Georgia Transmission Resolution:*** Approved a resolution to strongly urge the Georgia Transmission Corporation to exercise perseverance and all due diligence in seeking and securing alternate routes that avoid negative impacts to Conservation Use Easements, subdivisions, neighborhoods or other residential concentrations. The resolution also urges the utilization of underground facilities where possible. ***See Documentation in Ordinances and Resolutions Book No. 18.***
- ***Impact Fee Program Study Committee:*** Approved the creation of a committee to study a potential Impact Fee Program for Oconee County.
- ***Transportation Improvement and Maintenance (TIM) Plan Amendment:*** Approved an amendment to the FY 2007/2008 Transportation Improvement and Maintenance (TIM) Plan to include repairs and resurfacing of 15 miles of county roads at an estimated cost of \$2,100,000, and improvements to the Mars Hill Road/Daniells Bridge Road Intersection at an estimated cost of \$400,000. The projects are to be funded with SPLOST funds.

Litigation Matters: County Attorney Daniel Haygood reported on the following litigation matters:

Gooch vs. Oconee County: The Court of Appeals has ruled in the County's favor and the plaintiffs do not plan to file any further appeals.

Charge of Discrimination – Sheriff's Department: The EEOC has issued a "no-cause" finding.

Open Records/Meetings Complaint: The State Attorney General's Office has issued a letter finding no fault against the County for closing the meetings of the Rocky Branch WRF Selection Committee.

Citizen Remarks: Lee Becker, Tim Price, Kate McDaniel and Gary Dodd commended the Board on their decision to contract with HSF Engineering, Inc. for engineering and design support services for the Rocky Branch Water Reclamation Facility Upgrade Project.

Executive Session: On motion by Commissioner Luke and second by Commissioner Norris, the Board voted unanimously to adjourn into Executive Session to discuss pending litigation. No action was taken.

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

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

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