

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, July 3, 2007, 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:

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

Wayne Provost, Strategic Planning Director
Chris Thomas, Asst. Utility Director
John Hatcher, Wastewater Management
Steve Hansford, Code Enforcement Director
William White, Projects Coordinator
BR White, Planning Director
Brad Callender, Planner
Krista Gridley, Planner
Bryce Jaeck, Planner
Chris Hardin, Planning Intern

Media Present:
Enterprise

Vinnie Williams, The Oconee
Christopher Butler, 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 Horton and second by Commissioner Luke, Minutes of the June 5, June 14 and June 26, 2007 meetings were approved as distributed.

Hotel/Motel Tax Ordinance: The Board held a Second Reading of an ordinance authorizing the imposition of an excise tax on rooms, lodgings and accommodations within the unincorporated area of Oconee County.

On motion by Commissioner Luke and second by Commissioner Horton, the Board unanimously approved the ordinance authorizing the imposition of an excise tax on rooms, lodgings and accommodations within the unincorporated area of Oconee County, effective January 1, 2008, as presented. **See Documentation in Ordinances and Resolutions Book No. 17.**

Street Light Tax District - Witt's Farm Subdivision: On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously approved the creation of Street Light Tax District No. B-7F-L1 for Witt's Farm Subdivision. **See Documentation in Ordinances and Resolutions Book No. 17.**

Variance Request #12229 - Moores Ford River, LLC: The Board held a public hearing on Variance Request No. 12229, by Moores Ford River, LLC, ±63.871 Acres, located on Moores Ford Road, to waive the 80" separation of right-of-way to the property line and to waive the turn-around at 1000" for a cul-de-sac in the proposed Phase II of Glacier Park Subdivision.

Code Enforcement Director Steve Hansford explained the variance was requested due to the environmental constraints of the site, including perennial streams, open water, wetlands and stream heads.

No one spoke in opposition to the Variance Request.

The Board discussed proposed Condition No. 2 that would not allow lots or other tracts outside the proposed development to access the proposed street adjacent to the project boundary.

Commissioner Norris made a motion to approve Variance Request #12229 by Moores Ford River, LLC, with one condition. The motion died for lack of a second.

Commissioner Hale made a motion to postpone Variance Request No. 12229, by Moores Ford River, LLC, to August 7, 2007. Commissioner Luke seconded the motion. Commissioners Hale, Luke and Horton voted yes. Commissioner Norris voted no. The motion passed.

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Rezone Request #5320 - West Walton Properties, Inc.: On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously approved the withdrawal of Rezone Request # 5320, by West Walton Properties, Inc., ±1.985 acres, located on Rocky Branch Road and Brookshire Drive, from R-2 MPD to R-2 MPD with modifications, as requested by the applicant.

Special Use Request #5459 - Grace Baptist Church of Watkinsville .: The Board held a public hearing on Special Use Request No. 5459, by Grace Baptist Church of Watkinsville, GA, Inc., ±14.017 acres, located on S.R. 53, for a community scale church.

Sidney Cox, representing the applicant, said Grace Baptist Church proposes to add a Family Life Center building for the purpose of providing a recreational center for its members and guests.

No one spoke in opposition to the Special Use Request.

On motion by Commissioner Hale and second by Commissioner Horton the Board unanimously approved Special Use Request No. 5459, by Grace Baptist Church of Watkinsville, GA, Inc., with conditions, to add a Family Life Center. **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5460 - Edgar D. and Virginia Meyers: The Board held a public hearing on Rezone Request # 5460, by Edgar D. and Virginia Meyers, ±14.673 acres, located on Price Mill Road, from A-1 to AR-2.

Kathy Bennett, representing the applicants, stated the owners propose to subdivide the property into 4 single-family residential lots. They will retain one tract with the existing single-family residence and give the remaining 3 tracts to their children.

No one spoke in opposition to the Rezone Request.

On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 5460, by Edgar D. and Virginia Meyers, from A-1 to AR-2, with conditions, to subdivide the property into 4 residential lots. **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request #5462 - Fred Gunter Property, LLC: The Board held a public hearing on Rezone Request No. 5462, by Fred Gunter Property, LLC, ±13.43 Acres, located on U.S. Hwy. 441, LaVista Road and Chaddwyck Drive, from AR-1 to B-2.

Andrea Jones, Attorney for the applicant, submitted a Constitutional Challenge.

Jon Williams, representing the applicant, said the proposed project is to be developed as a retail shopping center. Mr. Williams stated the property will be subdivided into three lots with the majority of the development occurring on the main parcel with two additional out parcels. He explained self imposed conditions were placed on all uses and structures as a result of meetings with the Chaddwyck Subdivision Home Owners Association. The self imposed conditions will become part of the rezone and will be legally binding. He noted the Chaddwyck Home Owners Association had submitted a letter in agreement with the concept plan. Mr. Williams stated the rezoning was consistent with the Future Land Use Plan. He said traffic at the intersection of LaVista Road and Highway 441 is a big concern and agreed to secure a traffic signal permit prior to the issuance of any building permits. Mr. Williams submitted a Residential Yield Plan.

Certified Professional Engineer Wayne Craig reported he had prepared a traffic analysis to identify existing traffic problems and to determine any new problems that would occur with the development of the retail shopping center. He stated LaVista Road would operate at an acceptable level with the installation of a traffic signal and an extension of the left turn lane off Highway 441.

Dennis Dunn spoke in favor of the rezone request. He said he was pleased with the development concept plan and the manner in which the developers had addressed the traffic issue.

Deborah Dietzler said the development was too close to the residential neighborhoods and would adversely affect the quality of life and property values. Hank Huckaby said this was not a good project and would bring nothing positive to the neighborhood. He expressed concern for traffic and safety, noise, air and light pollution and the environmental impact on water sources. Carol Catoe objected to a high traffic, high volume retail project at the LaVista Road intersection and said the

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developers did not meet with the neighborhood as a whole. She was concerned with safety, loitering, inappropriate activity and increased crime. Anthony Vacchio, Sally Walker, Mark Berding and Flonnace Schnabel expressed concern for increased traffic, decreased property values and safety issues. Carter Greene said Spartan Lane would be used to cut through to the site to avoid the access problems. Paul Buczynsky stated this was not the best use of the property due to the traffic issues. Mary Middendorf said the county does not need another strip mall and spoke on traffic and safety concerns.

Jon Williams stated the proposed development would encourage Georgia DOT to improve the traffic issues at LaVista Road. He stated the addition of a traffic signal at the intersection is warranted and should be done. He reported environmental impact studies have been done on the site. He said the developers believed they were working with the entire neighborhood by meeting with the Chaddwyck Subdivision Homeowners Association. He noted the Future Land Use Plan shows this area along Highway 441 to be commercial.

Commissioner Horton made a motion to deny Rezone Request No. 5462, by Fred Gunter Property, LLC, from AR-1 to B-2, for a retail development (441 Commercial Retail Center). Commissioner Hale seconded the motion. Commissioners Horton, Hale and Norris voted yes. Commissioner Luke voted no. The motion passed. **See Documentation in Ordinances and Resolutions Book No. 17.**

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

- **Oconee Community Complex - Change Order:** Approved a change order to the contract with F.E. Sims Enterprises in the amount of \$425,460 for construction of redesigned ponds at the Oconee Community Complex, to be funded from investment earnings of the General Obligation Bonds.

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

County Clerk

Chairman

Date