

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, November 6, 2007, 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

Wayne Provost, Strategic Planning Director
Brad Callender, Planner
Krista Gridley, Planner
Sandy Thursby, Design Services Engineer
John Hatcher, Utility Director
William White, Project Coordinator
Jeff Benko, Finance Director
Steve Hansford, Code Enforcement Director
Rusty Haygood, Econ Develop Director

Media Present: Vinnie Williams, The Oconee Enterprise
Richard Dumas, The Oconee Leader

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

Minutes: On motion by Commissioner Horton and second by Commissioner Norris, Minutes of the October 4, 2007 meetings were approved as distributed.

On motion by Commissioner Luke and second by Commissioner Horton, Minutes of the October 30, 2007 meetings were approved as distributed. Commissioner Hale abstained from the vote.

Amrey Harden Recognition: The Board of Commissioners presented Amrey Harden with a resolution commending his community service and leadership and his thirteen years as Chairman of the Oconee County Industrial Development Authority.

Oconee County Development Authority Applicant: The Board interviewed applicant Steve Hollis for the appointment of an associate member to the Oconee County Industrial Development Authority to fill an unexpired term, expiring December 31, 2008.

Outdoor Water Use Ordinance: On motion by Commissioner Hale and second by Commissioner Luke, the Board voted unanimously to postpone action on the Outdoor Water Use Ordinance to the November 27, 2007 meeting to allow the Drought Contingency Committee the opportunity to review the proposed Ordinance.

Street Light Tax District – Oldfield Subdivision: On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved the creation of Street Light Tax District No. B-03S-L1 for Oldfield Subdivision. ***See Documentation in Ordinances and Resolutions Book No. 17.***

Variance Request No. 12636 - Alhadeff: The Board held a public hearing on Variance Request No. 12636 by Irvin L. Alhadeff, ±14.47 acres, located on Whipoorwill Road, to allow 4 lots to be accessed from a private drive.

Planner Brad Callender presented the staff report.

Jon Williams, representing the applicant, said the applicant proposes to subdivide the property into a fourth lot that would be accessed by the existing private drive. The applicant is asking to split the lot and leave the 1,100 ft. private drive as it is. Mr. Williams noted it would be very expensive to upgrade the driveway to county standards.

Ellen Day spoke in favor of the variance request. She said an upgrade to the private driveway would undermine the integrity of Robinson Creek and negatively impact the ecology.

Irvin Alhadeff said the property owners share the expense of upkeep and maintenance of the driveway and want to protect the integrity of the land.

No one spoke in opposition to the variance request.

On motion by Commissioner Hale and second by Commissioner Norris, the Board unanimously approved Variance Request No. 12636 by Irvin L. Alhadeff, ±14.47 acres, located on Whippoorwill Road, to allow 4 lots to be accessed from a private drive, with no conditions. **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request No. 5547 – Pope: The Board held a public hearing on Rezone Request No. 5547 by Eric S. and Sarah Elizabeth Pope, ±21.736 acres, located on SR 53 from A-1 to OIP.

Planner Brad Callender presented the staff report.

Bret Thurmond, representing the applicant, said a community recreational facility is proposed to be operated by the YWCO. There will be one main building with an indoor pool and exercise rooms, an outside activity pool and a multipurpose field. The conservation corridor along the tributary of Robinson Creek will not be disturbed.

Kitty Meyran, Executive Director of the YWCO, said they plan to partner with the county's schools and recreation department with its programs, especially in the areas of afterschool and summer day camps. David Hudgins, President of the YWCO Volunteer Board, said the facility would have a positive effect on the community. Chuck Williams said Extra Special People (ESP) would also benefit from the recreational facility.

No one spoke in opposition to the rezone request.

On motion by Commissioner Horton and second by Commissioner Luke, the Board unanimously approved Rezone Request No. 5547 by Eric S. and Sarah Elizabeth Pope, ±21.736 acres, located on SR 53 from A-1 to OIP, with conditions, for a community recreation facility (YWCO). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request No. 5566 – Langford: The Board held a Public Hearing on Rezone Request No. 5566 by Charles Virgil and Hilda S. Langford, ±5.51 acres, located on Virgil Langford Road, from A-1 to B-2.

Staff report presentations for Rezone Request No. 5566 and Rezone Request No. 5567 were made at the same time by Planner Krista Gridley.

Jon Williams, representing the applicant, stated the owner proposes to provide a commercial component to an office/business park that would include general retail services, dine-in restaurants and drive-thru restaurants on the site. The development will connect to the rear of the site by a private drive

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

On motion by Commissioner Luke and second by Commissioner Hale, the Board voted unanimously to approve Rezone Request No. 5566 by Charles Virgil and Hilda S. Langford, ±5.51 acres, located on Virgil Langford Road, from A-1 to B-2, with conditions, for a commercial/retail development (Langford Business Park). **See Documentation in Ordinances and Resolutions Book No. 17.**

Rezone Request No. 5567 – Langford: The Board held a Public Hearing on Rezone Request No. 5567 by Charles Virgil and Hilda S. Langford, ±9.02 acres, located on Virgil Langford Road, from A-1 to OIP.

Staff report presentations for Rezone Request No. 5566 and Rezone Request No. 5567 were made at the same time by Planner Krista Gridley.

Jon Williams, representing the applicant, stated the owner proposes to develop an office/business park to provide professional office space for the northern part of Oconee County and western Athens-Clarke County.

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

On motion by Commissioner Norris and second by Commissioner Horton, the Board voted unanimously to approve Rezone Request No. 5567 by Charles Virgil and Hilda S. Langford, ±9.02 acres, located on Virgil Langford Road, from A-1 to OIP, with conditions, for an office/business park (Langford Business Park). **See *Documentation in Ordinances and Resolutions Book No. 17.***

Rezone Request No. 5568 – Virgil Langford Road, LLC: The Board held a Public Hearing on Rezone Request No. 5568 by Virgil Langford Road, LLC, ±11.78 acres, located on Virgil Langford Road and SR 316, from B-2 to B-2 with modifications.

Planner Krista Gridley presented the staff report.

Jon Williams, representing the applicant, explained the developer wishes to amend the original development plan to increase the number of hotel guest rooms, to allow shared parking between the proposed hotel and an adjoining office lot and to waive the required buffers on the eastern boundary of the site adjacent to properties currently being considered for rezoning to compatible zoning districts.

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

On motion by Commissioner Hale and second by Commissioner Horton, the Board voted unanimously to approve Rezone Request No. 5568 by Virgil Langford Road, LLC, ±11.78 acres, located on Virgil Langford Road and SR 316, from B-2 to B-2 with modifications, with conditions, for a hotel, office, restaurant and fast food restaurant (Langford Business Park). **See *Documentation in Ordinances and Resolutions Book No. 17.***

Special Use Request No. 5569 – Marshall: The Board held a Public Hearing on Special Use Request No. 5569 by James A. Marshall, ±1.29 acres, located on Ryland Hills Drive, for a neighborhood recreation center.

Planner Krista Gridley presented the staff report.

Jim Bob McElroy, representing the applicant, said the owner is proposing to construct a neighborhood amenity area in Ryland Hills Subdivision. The amenities to be constructed include a 1,000 sq. ft. cabana with restrooms, a swimming pool, tennis courts and a playground.

Ann Elizabeth Schildwachter expressed her concerns for the project, noting the lot adjoins her property and slopes down from the street level, draining onto neighboring property. She said the slope would project most of the noise and visual impact of its activities to the neighbors outside the subdivision. Ms. Schildwachter suggested a privacy fence and evergreen screen along the rear border of the property to prevent access to the adjacent property that contains the historic McRee Mill. She also requested a perpetual ban on any outdoor lighting.

George Donald Smith indicated his concern for noise and lighting and said a location within the interior of the subdivision would be more practical for an amenity area.

Travis Marshall agreed to the following self imposed conditions:

- 1) An 8 ft. private fence with an evergreen buffer along the rear border of the lot;
- 2) Tennis court lighting to be shielded from neighboring property and to be turned off at 11:00 p.m.; and,
- 3) Parking lot lighting on 8 ft. decorative posts.

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to approve Special Use Request No. 5569 by James A. Marshall, ±1.29 acres, located on Ryland Hills Drive, for a neighborhood recreation center, with conditions. **See *Documentation in Ordinances and Resolutions Book No. 17.***

Rezone Request No. 5570 – Barber Creek Land Company, LLLP: The Board held a Public Hearing on Rezone Request No. 5570 by Barber Creek Land Company, LLLP, ±263.73 acres, located on Barber Creek Road and Boyd Road, from R-3 MPD to R-3 MPD with amendments.

Planner Brad Callender presented the staff report.

Ken Beall, representing the applicant, said the request to modify the Barber Creek South Master Planned Development is based on the desire to update the plan according to the last two additional years of market experience, make improvements to the plan that are more responsive to geological constraints and to the topography of the site and to reduce the total number of units in the R-3 MPD portion of the project from 358 units to 336 units.

Mr. Beall explained the intergovernmental agreement between Barrow County and Oconee County makes available a maximum number of residential sanitary sewer services to Barber Creek, LLLP. By reducing the number of units in the R-3 MPD, surplus sanitary sewer capacity will be available for a future rezone request.

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

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to approve Rezone Request No. 5570 by Barber Creek Land Company, LLLP, ±263.73 acres, located on Barber Creek Road and Boyd Road, from R-3 MPD to R-3 MPD with amendments, with conditions (The Georgia Club-Barber Creek South). **See Documentation in Ordinances and Resolutions Book No. 17.**

Special Use Request No. 5571 – Garrett: The Board held a Public Hearing on Special Use Request No. 5571 by Charlie J. Garrett, ±25.441 acres, located on Garrett Road and Carithers School Road, for a telecommunications tower.

Planner Brad Callender presented the staff report.

Jay Shirah, representing the applicant, stated the applicant is proposing to construct a free standing telecommunications tower within a 100' x 100' compound.

No one spoke in favor or 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. 5571 by Charlie J. Garrett, ±25.441 acres, located on Garrett Road and Carithers School Road, for a telecommunications tower, with conditions. **See Documentation in Ordinances and Resolutions Book No. 17.**

Keep Oconee County Beautiful Commission: On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously appointed Michelle Creech to the Keep Oconee County Beautiful Commission for an unexpired term expiring on June 30, 2009.

Land Use & Transportation Planning Committee: On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously appointed Ernest W. (Bill) Tollner to the Oconee County Citizens Advisory Committee on Land Use & Transportation Planning for a two-year term expiring September 30, 2009.

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

- **Sale of County Property:** Approved the bid of \$10,000 by Bogart Christian Church for the purchase of a .998 acre tract owned by Oconee County and located on Broad Street in Bogart (Tax Parcel No. BO 02 018).

Hard Labor Creek Reservoir Bond Validation: County Attorney Daniel Haygood reported Walton County Superior Court Judge Horace Johnson signed an order Tuesday validating the Oconee County bonds to pay for its share of the Hard Labor Creek Reservoir Project. Mr. Haygood reported no one objected to the bond issue at the validation hearing.

Citizen Remarks: Michael Hale asked about the inspection and maintenance of sprinkler systems. Code Enforcement Director Steve Hansford will provide a report.

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

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

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

Development Authority: On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously appointed Steve Hollis as an associate member to the Oconee County Industrial Development Authority to fill an unexpired term, expiring December 31, 2008.

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