

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, November 1, 2005, at 7:00 p.m., in the Commission Meeting Chambers, Oconee County Courthouse.

Members Present: Chairman Melvin Davis  
Commissioner Don Norris  
Commissioner Margaret S. Hale  
Commissioner Chuck Horton

Commissioner Jim Luke was absent.

Staff Present: Administrative Officer Alan Theriault  
County Attorney Daniel Haygood  
County Clerk Gina M. Lindsey  
  
Jeff Benko, Finance Director  
Matt Forshee, Planning & Economic Develop  
BR White, Assistant Planner  
Sandy Thursby, Planner  
Mike Leonas, Public Works Director  
William White, Project Coordinator  
Wayne Provost, Strategic Planning Director

Media Present: Vinnie Williams, The Oconee Enterprise  
Merritt Melancon, Athens Banner-Herald

Chairman Davis began the meeting with a Moment of Silence. Commissioner Norris led the Pledge of Allegiance.

**Minutes:** On motion by Commissioner Hale and second by Commissioner Horton, Minutes of the October 4, 2005 meeting were approved as distributed.

On motion by Commissioner Norris and second by Commissioner Hale, Minutes of the October 25, 2005 meeting were approved as distributed. Because of his absence from this meeting, Commissioner Horton recused himself from the discussion and vote. Chairman Davis, Commissioner Hale and Commissioner Norris voted yes.

**Street Light Tax District – Carolina’s Place:** On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved the creation of Street Light Tax District No. B-5J-L1 for Carolina’s Place Subdivision. ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Rezone Request #4588 – Christopher Todd Childers:** The Board held a public hearing on Rezone Request No. 4588 by Christopher Todd Childers, ± 34.873 acres, located on Sims Road, from A-1 to AR-1.

The applicant’s representative, John Stell, said the proposed single-family residential subdivision would feature upscale homes on 28 lots, all of which are a minimum of 1 acre. An additional 4 lots of this development will be located in Barrow County. Mr. Stell noted the shape and topography of the property makes it unfeasible to develop under AR-2 zoning. He stated a denial of the AR-1 zoning request would be an unconstitutional deprivation of the property and would constitute a taking of the property.

Russ Page spoke in opposition to the AR-1 zoning request and suggested a conservation subdivision would be more appropriate as a buffer between the residential and agricultural properties.

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to deny Rezone Request No. 4588 by Christopher Todd Childers. ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Rezone Request #4649 – E. Dwayne Wilkes, E.M. & Betty Wilkes, Rose Creek Development and Malcom R. Noland:** Planning Director Matt Forshee reported the applicants for Rezone Request No. 4649 have asked the Board of Commissioners to consider a revised Rezone Concept Plan submitted on October 20, 2005. Mr. Forshee explained the Planning Staff has not had enough time to adequately review the revised plan which is a substantial change from the original concept plan.

On motion by Commissioner Horton and second by Commissioner Norris, the Board voted unanimously to return Rezone Request No. 4649 by E. Dwayne Wilkes, E.M. & Betty Wilkes, Rose Creek Development and Malcom R. Nolland to the Planning Commission for review and recommendation.

**Rezone Request #4700 – James E. Dooley:** The Board held a public hearing on Rezone Request No. 4700 by James E. Dooley, ± 12.72 acres, located on Hog Mountain Road, from A-1 to B-1.

The Presentation and Public Hearing for Rezone Request No. 4700 and Rezone Request No. 4701 were held at the same time.

The applicants' representative, Ken Beall, submitted a Constitutional Challenge for Rezone Request No. 4700.

Mr. Beall stated the proposed project (The Landing at Parkside) is to be developed as an upscale business park subdivision. B-1 uses in 6 buildings will front Hog Mountain Road and OIP uses on 7 lots will be located along the site perimeter adjacent to the residential properties. He discussed the architecture of the proposed buildings and stated the applicant was agreeable to additional buffer requirements.

Judy Hawks said she was concerned with the light pollution and requested the outdoor illumination be limited to 0.0 foot candles where the property abuts the Northwest Woods Subdivision. Laura Tartak and Lee Hawks requested additional buffer and rear yard setback requirements.

Commissioner Norris made the motion to approve Rezone Request No. 4700, with conditions. Commissioner Hale seconded the motion. Commissioners Norris and Hale voted yes. Commissioner Horton voted no. Rezone Request No. 4700 was approved, with conditions. ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Rezone Request #4701 James E. Dooley:** The Board held a public hearing on Rezone Request No. 4701 by James E. Dooley, ± 8.26 acres, located on Hog Mountain Road, from A-1 to OIP.

The Presentation and Public Hearing for Rezone Request No. 4700 and Rezone Request No. 4701 were held at the same time.

The applicants' representative, Ken Beall, submitted a Constitutional Challenge for Rezone Request No. 4701.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4701, with conditions, to develop a business park subdivision (The Landing at Parkside). ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Rezone Request #4702 – Robert H. and Cheeka D. Bell:** The Board held a public hearing on Rezone Request No. 4702 by Robert H. and Cheeka D. Bell, ± 5.911 acres, located on Sunshadow Lane, from A-1 to AR-1.

Applicant Robert Bell stated he proposes to divide the property into 5 lots, creating three new tracts from the present two tracts. Each tract is proposed to have individual driveways on Sunshadow Lane.

Kevin Thigpen, Jimmy Thomason and Leonard DeFabio expressed concerns about increased traffic on Sunshadow Lane and the lack of a turn around cul-de-sac at the end of the road.

On motion by Commissioner Hale and second by Commissioner Horton, the Board voted unanimously to deny Rezone Request No. 4702. ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Rezone Request #4703 – Thornwood Properties, LLC:** The Board held a public hearing on Rezone Request No. 4703 by Thornwood Properties, LLC, ± 13.17 acres, located on U.S. Hwy. 441 and New High Shoals Road, from A-1 to B-1.

The Presentation and Public Hearing for Rezone Request No. 4703 and Rezone Request No. 4704 were held at the same time.

The applicants' representative, Ken Beall, submitted a Constitutional Challenge for Rezone Request No. 4703.

Mr. Beall stated the proposed project would be developed as an upscale business park subdivision. It will feature four lots fronting on New High Shoals Road and three lots fronting on Bishop Farms Parkway South to be developed under the B-1 zoning classification and one lot on the western side of Bishop Farms Parkway, an office park condominium and a 10-lot subdivision to be developed under the OIP zoning classification.

The development of the B-1 zoned property will include a bank, a convenience store, a retail building featuring small shops, a recreational facility with pools, tennis courts and weight room, business office buildings and two out-parcels for future commercial development. Gravity sewer lines will be installed at the developer's expense to convey wastewater to a pump station which will pump through force-mains to the nearest sewer manhole located in the right-of-way of the Watkinsville 441 Bypass.

On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously approved Rezone Request No. 4703, with conditions, for a business park subdivision (Thornwood Business Center). ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Rezone Request #4704 – Thornwood Properties, LLC:** The Board held a public hearing on Rezone Request No. 4704 by Thornwood Properties, LLC, ± 25.11 acres, located on U.S. Hwy. 441 and New High Shoals Road, from A-1 to OIP.

The Presentation and Public Hearing for Rezone Request No. 4703 and Rezone Request No. 4704 were held at the same time.

The applicants' representative, Ken Beall, submitted a Constitutional Challenge for Rezone Request No. 4704.

On motion by Commissioner Norris and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4704, with conditions, for a business park subdivision (Thornwood Business Center). ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Rezone Request #4705 – Michael A. Thornton:** The Board held a public hearing on Rezone Request No. 4705 by Michael A. Thornton, ± 2.216 acres, located on Experiment Station Road, from OIP to B-1.

Tom Breedlove, representing the applicant, explained the history of the property and stated the applicant proposes to develop a 1200 sf commercial/retail building, with up to 10 units, on a portion of Butlers Crossing Professional Park. He noted the Butler's Crossing area is the retail hub for central Oconee County and the development would be an extension of existing shopping centers, businesses and professional offices located in the area.

Gene Shepherd expressed concern about noise from the commercial development and buffers between the development and the adjoining residential subdivision.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4705, with conditions, for a commercial/retail building inside Butlers Crossing Professional Park. ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Rezone Request #4706 – Robert H. Smith:** The Board held a public hearing on Rezone Request No. 4706 by Robert H. Smith, ± 2.182 acres, located on U.S. Hwy. 441 and Old Macon Highway, from AR-1 to B-2.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4706, with conditions, for a 6000 sf retail building. ***See Documentation in Ordinances and Resolutions Book No. 16.***

**Jennings Mill Parkway Extension Project – ROW Acquisition:** Commissioner Norris made the motion to award the contract for professional right-of-way acquisition services for the Jennings Mill Parkway Extension Project to Moreland-Altobelli at a unit cost not to exceed \$3,000 per parcel. Commissioner Horton seconded the motion. Commissioners Norris and Horton voted yes. Commissioner Hale voted no. The motion was approved.

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

- **Planning Commission Bylaws:** Approved the revised bylaws, rules and procedures of the Oconee County Planning Commission.
- **Rescue Vehicle – GEMA Grant Funds:** Awarded the bid for the purchase of an Office of Homeland Security-GEMA Area 1 rescue truck to Custom Trucks and Body Works, Inc. for a total cost not to exceed \$143,728.
- **Jennings Mill Parkway Extension Project – ROW Acquisition:** Rescinded the bid awarded to Wilbur Smith Associates for professional right-of-way acquisition services for the Jennings Mill Parkway Extension Project.

**Statements and Remarks from Citizens:** Russ Page spoke on the need to change the rules and procedures regarding the tabling of rezone requests at the Board of Commissioners level.

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

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date