

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, February 5, 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
Emil Beshara, Public Works Director
John Hatcher, Utility Director
William White, Project Coordinator
Jeff Benko, Finance Director
Steve Hansford, Code Enforcement Director

Media Present: Vinnie Williams, The Oconee Enterprise

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 January 3 and January 29, 2008 meetings were approved as distributed.

E911 Charge for Voice over Internet Protocol: On motion by Commissioner Norris and second by Commissioner Horton, the Board unanimously approved a Resolution to impose an E911 charge of \$1.50 per month on each wireless Voice Over Internet Protocol connection within Oconee County, to be effective July 1, 2008. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Statewide Franchises – Franchise Fee: On motion by Commissioner Horton and second by Commissioner Hale, the Board unanimously approved a Resolution establishing a franchise fee of 5% of annual gross revenues generated by any cable or video service provider serving Oconee County under a state issued franchise. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Food Service Ordinance: On motion by Commissioner Hale and second by Commissioner Luke, the Board unanimously approved an Ordinance adopting the Georgia Food Service Rules and Regulations, as adopted by the Oconee County Board of Health. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Rezone Request No. 5639, Rezone Request No. 5640, Rezone Request No. 5641, Rezone Request No. 5642 and Variance Request No. 5647 – Barber Creek Land Company: The Board held a Public Hearing on four (4) Rezone Requests and a Variance Request by Barber Creek Land Company, LLP, for properties located on Barber Creek Road as follows:

- Rezone Request No. 5639, ±53.362 acres, from A-1 to R-3;
- Rezone Request No. 5640, ±12.029 acres, from A-1 to R-1;
- Rezone Request No. 5641, ±49.90 acres, from A-1 to AR-3;
- Rezone Request No. 5642, ±112.43 acres, from R-1 MPD to R-1 MPD with modifications; and
- Variance Request No. 5647, ±115.29 acres, to
 - a. Reduce the required right-of-width
 - b. Allow multiple private access drives
 - c. Allow sidewalks only on one side of the street
 - d. Reduce the separation distance required for streets from project boundaries
 - e. Increase the maximum length of a cul-de-sac
 - f. Allow sole access to a subdivision over a private dam, and
 - g. Allow private streets in an R-3 zoning district.

Planner Brad Callender presented the staff reports for Rezone Requests No. 5639, 5640, 5641, and 5642 and Planning Director B.R. White presented the staff report for Variance Request No. 5647 at the same time.

Kenneth Beall, representing the applicants, said Blue Heron Lake is a proposed upscale residential subdivision on 115.29 acres, to be developed as three neighborhoods. He explained he had worked with the project since December 2006 and had attended several meetings with county staff for input and assistance with planning requirements. Mr. Beall expressed concern with a condition proposed by the Planning Staff that would not allow raised or poured slab foundations.

Rezone Request No. 5639: Mr. Beall said The Village at Blue Heron Lake is to be a residential subdivision of 34 detached free-standing condominiums. He explained the property is currently accessed with a 50' wide private drive and a variance is being sought to allow sections of the road to be 50' in width. Mr. Beall also noted that because private streets are proposed throughout the entire development, a variance is requested to allow private streets in an R-3 zoning district.

Rezone Request No. 5640: Mr. Beall said The Homes at Blue Heron Lake is to be a residential subdivision of 10 lots. He noted that due to the 50' right-of-way limitation and a 50' perimeter MPD buffer adjacent to one side of the right-of-way, a variance is being sought to construct sidewalks only on the south side of the road.

Rezone Request No. 5641: Mr. Beall said The Estates at Blue Heron Lake is to be a residential subdivision of 10 detached single-family estate homes. Two of the estate lots are to be accessed with a private access drive from the adjoining MPD neighborhood. Because multiple private access drives already exist, a variance is being sought to allow additional private access drives to serve other existing properties now served by a private access drive. An emergency access is also proposed from the road serving this section of the development to the Georgia Transmission Line easement.

Rezone Request No. 5642: Mr. Beall said an amendment to the R-1 MPD Plan is requested to allow the construction of a private drive through the 50' perimeter buffer of the existing MPD project to access the proposed subdivision, The Estates at Blue Heron Lake.

Variance Request No. 5647: Mr. Beall explained construction of the street below the minimum separation distance is required to avoid impacting the dam located on the site. He also stated it is necessary to extend the maximum length of the cul-de-sac to provide adequate access to the eastern portion of the site because of the size and location of the existing lake.

The Board of Commissioners discussed at length the applicant's proposal to position the road over portions of the existing dam to access eight lots in the AR-3 portion of the development. Mr. Beall said construction of a street around the north side of the existing lake would not be feasible because of jurisdictional wetlands. Engineer Philip Schmitt spoke on the design of the dam and expressed his opinion that the dam was well built and safe.

Russ Page stated his concerns for a higher density development than what is currently allowed, lack of impact fees, subsidizing the development and the lack of following the UDC guidelines. Adjoining property owner James Fishburn objected to the conflict with the Unified Development Code and noted he was never approached about selling his property to provide the needed right-of-way for the development.

There was additional discussion on the dam's breach zone, other means of ingress and egress and buffering Mr. Fishburn's property.

On motion by Commissioner Horton and second by Commissioner Luke, the Board voted unanimously to postpone action on Rezone Request No. 5639, Rezone Request No. 5640, Rezone Request No. 5641, Rezone Request No. 5642 and Variance Request No. 5647 by Barber Creek Land Company, LLLP, and to advertise for an additional public hearing on March 4, 2008.

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

- **Transfer of Development Rights Study Committee:** Approved the creation of a committee to study a potential Transfer of Development Rights (TDR) Program for Oconee County.
- **Avalon Subdivision Right-of-Way:** Accepted the road right-of-way and right-of-way deeds for Avalon Subdivision.

- **Langford Business Park Right-of-Way:** Accepted the road right-of-way and right-of-way deeds for Langford Business Park.
- **Bear Creek Reservoir Recreational Project Intergovernmental Agreement:** Approved an Intergovernmental Agreement between the Upper Oconee Basin Water Authority and the four member counties to develop and operate recreational facilities for the public's use at the Bear Creek Reservoir.
- **Budget Submittal Plan – FY 2009:** Approved the Fiscal Year 2009 Budget Submittal Plan.

Citizen Remarks: Lee Becker expressed his appreciation that the public will be able to view the bids for the upgrade of the Rocky Branch Water Reclamation Facility prior to the Board of Commissioners taking final action on the bids.

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

County Clerk

Chairman

Date