

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, August 5, 2008, at 7:00 p.m., in the Commission Meeting Chambers at the Oconee County Courthouse.

Members Present: Chairman Melvin Davis
Commissioner Jim Luke
Commissioner Donald H. Norris
Commissioner Chuck Horton

Commissioner Margaret S. Hale was absent.

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

Jeff Benko, Finance Director
BR White, Planning Director
Jason Gantt, Planner
Brad Callender, Planner
William White, Project Coordinator
Rusty Haygood, Economic Development Director
Chris Thomas, Utility Director
John Hatcher, Assistant Utility Director
John Gentry, Parks & Recreation Director
Emil Beshara, Public Works Director
Steve Hansford, Code Enforcement Director
Wayne Provost, Strategic/Long Range Plan Director

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

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

Minutes: On motion by Commissioner Luke and second by Commissioner Norris, Minutes of the July 1 and July 29, 2008 meetings were approved as distributed.

Rezone Request #5710 – Travis A. Marshall: The Board held a public hearing on Rezone Request No. 5710 by Travis A. Marshall, ±50.97 acres, located on SR 15, from A-1 to AR-1. Planner Brad Callender presented the staff report.

Kenneth Beall, representing the applicant, spoke on the rezone staff report and said the planning staff had prepared a thorough evaluation to support the proposed project's compliance with the Comprehensive Plan. He stated the property adjacent to the tract and two other properties on Flat Rock Road are currently zoned AR-1.

Applicant Travis Marshall said the proposed project is consistent with recently approved developments in the area.

No one requested to speak on this rezone request.

Commissioner Horton said he did not feel water lines should be extended further into the southern portion of the county. Commissioner Luke expressed concern that the proposed development is not compatible with the Rural Places character area as designated in the 2030 Future Land Use Map. Commissioner Norris noted this is the first rezone to come before the Board under the new Future Land Use Map and Comprehensive Plan.

Commissioner Norris made a motion to approve Rezone Request No. 5710 by Travis A. Marshall, ±50.97 acres, located on SR 15, from A-1 to AR-1, with conditions. The motion died for lack of a second.

Commissioner Horton made a motion to deny Rezone Request No. 5710 by Travis A. Marshall from A-1 to AR-1. Commissioner Luke seconded the motion. Commissioners Horton and Luke voted yes. Commissioner Norris voted no. The motion to deny Rezone Request No. 5710 was passed. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Rezone Request No. 5712 and Variance Request No. 5722 – Virgil Langford Road, LLC (Postponed): On motion by Commissioner Horton and second by Commissioner Norris, the Board voted unanimously to postpone action on Rezone Request No. 5712 and Variance Request No. 5722 by Virgil Langford Road, LLC, ± 1.494 acres, located on SR 316 and Langford Drive, to the September 2, 2008 meeting, as requested by the applicant's agent. No one requested to speak on this item.

Rezone Request #5727 – Marion, David and Cathy Griffith: The Board held a public hearing on Rezone Request No. 5727 by Marion, David and Cathy Griffith, ±61.94 acres, located on Echo Trail, from A-1 and AR-1 to AR-1. Planner Brad Callender presented the staff report.

Jon Williams, representing the applicant, said the rezone concept plan is composed of three parcels. One of the parcels contains a single residence that will be incorporated into the new subdivision. He stated the property is surrounded by a number of existing residential subdivisions which prevents an additional entrance being added.

Horace Cutler said he was concerned with only one entrance/exit from the development, speeding on Creek Hollow Run and increased traffic.

Jon Williams noted the developer is required to upgrade the road to accommodate the additional traffic.

On motion by Commissioner Luke and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 5727 by Marion, David and Cathy Griffith, from A-1 and AR-1 to AR-1, with conditions. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Special Use Request #5743 – Mars Hill Investment Group, LLC: The Board held a public hearing on Special Use Request No. 5743 by Mars Hill Investment Group, LLC, ±3.613 acres, located on Mars Hill Road, to allow for an indoor miniature golf/entertainment center within Manders Crossing Shopping Center. Planner Jason Gantt presented the staff report.

Jon Williams, representing the applicant, said the proposed special use will not require any exterior changes to the shopping center. He explained this is an indoor entertainment center for children and adults that features indoor miniature golf, video games, redemption games and other activities.

No one spoke in favor or in opposition to the special use request.

On motion by Commissioner Luke and second by Commissioner Norris, the Board voted unanimously to approve Special Use Request No. 5743 by Mars Hill Investment Group, LLC, to allow for an indoor miniature golf/entertainment center within Manders Crossing Shopping Center. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Special Use Request #5744 – Joy M. Clarke: The Board held a public hearing on Special Use Request No. 5744 by Joy M. Clarke, ±6.009 acres, located on Colham Ferry Road, to convert a single-family residence into a group personal care home. Planner Brad Callender presented the staff report.

Bob Smith, representing the applicant, said presently the existing house can accommodate six residents and the owner proposes to construct an addition in order to accommodate a total of fifteen residents and an on-site manager. He stated the group personal care home will be regulated by the Georgia Department of Human Resources and all criteria must be met before a license would be issued. Mr. Smith said personal care homes are common in rural areas as an alternative to a nursing home in an urban area.

Applicant Joy Clarke said the group home would provide housing, meals and companionship to residents requiring assistance with daily needs. Three character witnesses spoke on Ms. Clarke's nursing abilities and professionalism.

David Dodge said this is a commercial operation that does not belong in a rural area. He expressed concern for increased traffic, noise, lighting and crime. Bruce Pollack said his concerns were increased traffic, the intersection at Colham Ferry Road and Antioch Church Road, well water and septic tanks. Mabel Parker said this is a quiet rural area that should remain agricultural.

Michelle Godemann spoke on preservation and protection of the agricultural area and said a group home belongs in an urban area. Tammy Luther noted the home is far from any hospital facilities and said she was concerned for the safety of her children. Albert Hale said he felt Ms. Clarke means well, but the area is agricultural/residential and not the place for a commercial facility.

Bob Smith said a group personal care home is allowed as a special use in the A-1 zoned areas. Joy Clarke said the home is located off the road and no psychiatric patients will be allowed. She also noted the Health Department would have to approve the well and septic system.

The Board discussed the lack of fire protection for the facility and the primarily agricultural features of the area.

On motion by Commissioner Horton and second by Commissioner Luke, the Board voted unanimously to deny Special Use Request No. 5744 by Joy M. Clarke, to convert a single-family residence into a group personal care home. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Cultural Affairs and Tourism Committee: On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously appointed Billy Lacy, Ramona Lord and Vicky Moody to the Oconee County Citizens Advisory Committee on Cultural Affairs and Tourism for two-year terms expiring September 30, 2010.

Land Use & Transportation Planning Committee: On motion by Commissioner Horton and second by Commissioner Norris, the Board unanimously appointed Abe Abouhamdan, Robert A. Isaac, Kyle Martin, James Morris, Bob Sanders and Frank Watson to the Oconee County Citizens Advisory Committee on Land Use & Transportation Planning for two-year terms expiring September 30, 2010.

Library Advisory Board: On motion by Commissioner Horton and second by Commissioner Luke, the Board unanimously appointed Pamela Lohr Hendrix to the Oconee County Library Advisory Board to fill an unexpired term expiring on December 31, 2009.

Planning Commission: On motion by Commissioner Luke and second by Commissioner Norris, the Board voted unanimously to reappoint Mike Maxey and Bill Ramsey to the Oconee County Planning Commission for four-year terms expiring September 30, 2012.

Recreational Affairs Committee: On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously appointed Anthony Glenn, Ryan House, Mike Streetman and J.R. Whitfield to the Oconee County Citizens Advisory Committee on Recreational Affairs for two-year terms expiring September 30, 2010.

Rocky Branch Water Reclamation Facility Project – Construction Manager at Risk: Utility Director Chris Thomas reported the members of the RFQ Review Team had conducted additional presentations and interviews with the top three firms that had submitted qualifications for construction management services related to the upgrade of the Rocky Branch Water Reclamation Facility. Mr. Thomas said it was the consensus of the Review Team that the most qualified, responsive and responsible firm to perform the Construction Manager at Risk responsibilities is Southern Champion Construction, Inc.

On motion by Commissioner Luke and second by Commissioner Norris, the Board voted unanimously to authorize the Utility Department to request a cost proposal and initiate contract negotiations with Southern Champion Construction, Inc. to provide the CMAR services for the Rocky Branch Water Reclamation Facility project.

Jennings Mill Parkway Change Order: On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously approved Change Order No. 4 to the contract with Moreland-Altobelli Associates, in the amount not to exceed \$20,000, for post design services, as requested by GDOT, for the Jennings Mill Parkway Extension project.

Citizen Comments: Cathy Prescott, Grady Thrasher, William H. McDaniel, Horace Cutler, Kate McDaniel, Matt Degennaro and Mr. and Mrs. Richard Cook spoke in opposition to a proposal by the University of Georgia to locate a National Bio and Agro Defense Facility in Athens and expressed their concerns for the well-being of Oconee County. Mr. Thrasher noted the Department of Homeland Security is sponsoring a public “Scoping Meeting” on August 14th at the Georgia Center for Continuing Education and urged the Commissioners to attend.

Executive Session: On motion by Commissioner Luke and second by Commissioner Norris, the Board voted unanimously to adjourn into Executive Session to discuss a litigation matter and potential real estate acquisition. No action was taken.

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

On motion by Commissioner Norris and second by Commissioner Horton, 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.

County Clerk

Chairman

Date