

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, August 2, 2005, at 7:00 p.m., in Courtroom No. 1, Oconee County Courthouse.

Members Present:

Chairman Melvin Davis
Commissioner Jim Luke
Commissioner Donald H. Norris
Commissioner Margaret S. Hale
Commissioner Chuck Horton

Staff Present:

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

Jeff Benko, Finance Director
Matt Forshee, Planning & Economic Develop
B.R. White, Asst. Planning Director
Sandy Thursby, Planner
Mike Leonas, Public Works Director
William White, Project Coordinator
Gary Dodd, Utility Director
Don Oliver, Interim Parks & Recreation Director

Media Present:

Vinnie Williams, The Oconee Enterprise
Chris J. Starrs, Athens Banner-Herald

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 Norris, Minutes of the July 5 and July 26, 2005 meetings were approved as distributed.

Pension Plan: On motion by Commissioner Hale and second by Commissioner Luke, the Board unanimously approved a resolution amending the Third Restated Plan sponsored by the Association County Commissioners of Georgia to bring the County Employees' Pension Plan into compliance with the current language required by Federal IRS Regulations. There were no changes to the plan.

Rezone Request #4548 – John C. and Courtney M. Elder, Jr.: The Board held a public hearing on Rezone Request No. 4548 by John C. Elder and Courtney M. Elder, Jr., ± 9.71 acres, located on Greensboro Highway, from A-1 to Industrial.

Attorney for the applicants, Jeffrey W. DeLoach, explained the petitioners' desire to relocate their waste transport business from 1183 Experiment Station Road to this site. He reported on the plan to develop a waste transfer station that would include a 6,000 sq.ft. metal shop building with customer parking, a company vehicle parking area and a container storage area. Mr. DeLoach noted the county operates a collection center site approximately 1500 ft. from the property. He said there is no Industrial zoned property in the county that meets the criteria and that the Oconee County Solid Waste Management Plan addresses the public benefit of this type of service.

Mr. DeLoach submitted a Constitutional Challenge and an affidavit of Land Planner Ken Beall for Rezone Request #4548 and Conditional Use Permit Request #4549. He also submitted a copy of the Oconee County Solid Waste Management Plan for the record.

Ken Beall, representing the applicants, explained how the Experiment Station Road Improvements Project contributed to the petitioners need to relocate their existing business. He stated that when the subject property was purchased in 2001, the Oconee County zoning regulations allowed waste related businesses in an A-1 zoning, with a conditional use permit. In 2004, the zoning regulations were amended to only allow this type of business in an Industrial zone. Mr. Beall stated this was a suitable site because of the access on GA Hwy. 15 and the planned construction of a 10" or 12" water line along the highway.

Mr. Ray Goff and Watkinsville Mayor Jim Luken spoke in favor of the request and the need to keep businesses in Oconee County.

Speaking in opposition to the rezone request, Susan Hansford, Angie Branton, Sally Norton, Laura Ruiz, Joe Ruiz, Lloyd Hansford, T.J. Galvin, William Evelyn and Charles Baugh expressed concerns for spot zoning, contamination of streams and wells, pests, odor, noise, traffic on GA Hwy. 15, unsightly surroundings, lowered property values and a diminished quality of life.

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to deny Rezone Request No. 4548 for a waste transfer station. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Conditional Use Permit #4549 – John C. and Courtney M. Elder, Jr.: On motion by Commissioner Luke and second by Commissioner Norris, the Board voted unanimously to allow the applicant to withdraw Conditional Use Permit No. 4549 by John C. Elder and Courtney M. Elder, Jr., ± 9.71 acres, located on Greensboro Highway, for a waste transfer station.

Rezone Request #4551 – William H. and Valeta Kate McDaniel: The Board held a public hearing on Rezone Request No. 4551 by William H. and Valeta Kate McDaniel, ± 97.087 acres, located on Rossiter Court, from A-1 and AR-1 to AR-3.

On motion by Commissioner Norris and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4551, with conditions, for the development of a privately gated single-family residential subdivision (The Banks at Oconee River). ***See Documentation in Ordinances and Resolutions Book No. 15.***

Conditional Use Permit #4552 – St. Mary's Highland Hills, Inc.: The Board held a public hearing on Conditional Use Permit No. 4552 by St. Mary's Highland Hills, Inc., ± 9.773 acres, located on Jennings Mill Road, to construct a Nursing Home/Hospice facility.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Conditional Use Permit No. 4552, with conditions, to construct a hospice facility which will consist of two building structures (St. Mary's Hospice Facility). ***See Documentation in Ordinances and Resolutions Book No. 15.***

Rezone Request #4553 – RJC Land Development, Inc.: The Board held a public hearing on Rezone Request No. 4553 by RJC Land Development, Inc., ± 307.59 acres, located on Price Mill Road, from A-1 to AR-3.

The applicants' representative, Ken Beall, submitted a Constitutional Challenge.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Rezone Request No. 4553, with conditions, to develop a single-family residential subdivision (Shady Grove Plantation). ***See Documentation in Ordinances and Resolutions Book No. 15.***

Amended PUD Master Plan Request #4554 – Little-Rice Developers, Inc.: The Board held a public hearing on Amended PUD Master Plan Request No. 4554 by Little-Rice Developers, Inc., ± 8.77 acres, located on Rocky Branch Road, from R-1 PUD to R-1 PUD with modifications.

The applicants' representative, Ken Beall, explained Phase One of the project was developed with 23 detached homes. However, Phase Two never commenced due to changes in the health codes relating to septic tanks. The property owners intend to build one single-family estate home on the remaining 8.77 acres. The home will count as three units when calculating the association fee for the upkeep and maintenance of the common drainage facility.

On motion by Commissioner Norris and second by Commissioner Hale, the Board unanimously approved Amended PUD Master Plan Request No. 4554, with conditions, to develop the Phase 2 parcel with one single-family residential home rather than 20 single-family homes. ***See Documentation in Ordinances and Resolutions Book No. 15.***

Northeast Georgia Aging Services Advisory Council Appointment: On motion by Commissioner Hale and second by Commissioner Norris, the Board voted unanimously to appoint Mary Ellen Quinn as the Oconee County representative to the Northeast Georgia Aging Services Advisory Council, for an indefinite term.

Cultural and Recreational Affairs Committee – Recreation Subcommittee Appointment: On motion by Commissioner Hale and second by Commissioner Horton, the Board voted unanimously to appoint William A. Baker and Jessica B. Kirk to the Citizens Advisory Committee on Cultural and Recreational Affairs – Recreation Subcommittee for two-year terms, expiring September 30, 2007.

Land Use and Transportation Committee Appointments: On motion by Commissioner Horton and second by Commissioner Luke, the Board voted unanimously to appoint Flynn Warren, Wayne Bagley and Joe Dunagan to the Oconee County Land Use and Transportation Advisory Committee for two-year terms expiring September 30, 2007.

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

- **Property Tax Collections – City of Bishop and City of Watkinsville:** Approved contracts with the City of Bishop and the City of Watkinsville and the Office of the Tax Commissioner for overseeing the collection of tax monies on behalf of Bishop and Watkinsville, as requested by Tax Commissioner Harriette Browning.
- **Tennis Program:** Approved the bid of \$5,000 by Tennis For Life, Inc. for providing the Parks and Recreation Tennis Program.
- **Cable Transfer – Adelphia Cable TV to Comcast:** Approved a resolution consenting to the assignment and change of control of Adelphia's Cable Television Franchise to Comcast Corporation.

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

County Clerk

Chairman

Date