

**BARROW COUNTY BOARD OF COMMISSIONERS
FEBRUARY 28, 2006**

6:30 PUBLIC HEARING-SPEED HUMP ORDINANCE

Chairman Garrison called hearing to order with all commissioners present.

Staff & news media: Michelle Sims, Terry Darragh, Darrell Greeson & Todd Defeo,
Athens Daily News

Terry Darragh, Public Works Director, explained that the Speed Hump Program. It's intended for local residential streets in subdivisions with 25 mph speed limits & approval contingent upon results of a traffic study, which would be done by a consultant. Depending upon the results of the speed study a speed table may be prepared which will be sent with a petition to the citizen making the request. At least 70% of the property owners along the affected street will have to approve the layout & the petition signed before forwarding to the Board for a public hearing. The cost is a \$100 application fee, \$1000 district establishment fee & an annual maintenance fee per year per each lot of \$20.00. The ordinance is modeled after Gwinnett County. The proposed humps will be built out of asphalt with a 6' ramp section 3-1/2" inches high, flat top about 10 ft. wide & slope back down 6 feet for a total length of 22 feet.

DISCUSSION: Gwinnett County currently charges \$12.00 per year to each resident in neighborhood; annual maintenance fee will be on your tax bill & should you move this cost would stay with the property

PUBLIC COMMENT: Chris Sullivan, Twin Lakes Road, stated that the method of payment presented is a special assessment tax that can be used for numerous reasons such as upgrading stormwater, adding streetlights in front of neighborhoods. Having a special assessment tax will educate people on the purpose & make it lot easier for us to take care of things we need to do down the road.

Steve Worley, 168 Cole Circle & also the Monroe Public Works Director stated that the City of Monroe had been doing speed bumps for about 5 years & they absorb all the cost. They went to the small-rubberized speed humps as it's more cost effective & their sign department does the study. He also had several questions related to administrative fees & replacing existing humps. DISCUSSION:

Adjourned at 6:55 PM

7:00 PM MEETING

Chairman Garrison called meeting to order with Commissioner Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all in attendance. Chairman garrison also recognized students from Barrow Your Leadership Program.

Staff & news media: Michelle Sims, Rebecca Whiddon, Michael Fischer, Darrell Greeson, County Attorney Angie Davis, Keith Lee, Guy Herring, Eowyn Tilley, Norma Jean Brown, Arielle Kass, Gwinnett Daily News, Todd Defeo, Athens Daily, Raiford Peacock & Leanne Akin, Barrow County News.

Stood for Pledge of Allegiance to the Flag & Commissioner Dyer gave the invocation.

1. APPROVAL OF MINUTES FOR FEBRUARY 14, 2006 & FEBRUARY 16, 2006 WORK SESSION

Commissioner Berry made motion to approve minutes, Commissioner Dyer seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

2. PLANNING COMMISSION REZONES

1. **RZ2005-150-JOHN STELL, JR., APPLICANT**/Dewey White, owner request rezone @1282 Kesler Road from AC to C3. This is an additional 15,000 sq. ft. lot. PLANNING DEPT. & PLANNING COMMISSION RECOMMENDS APPROVAL WITH 2 CONDITIONS: GDOT APPROVAL MUST BE RECEIVED BEFORE DEVELOPMENT PERMIT ISSUED FOR ENTRANCE OFF HWY. 8 & APPLICANT MUST ADHERE TO SAME CONDITIONS AS PREVIOUS REZONE RZ2005-111 THAT STATE A 15 FT. WIDE LANDSCAPED BUFFER WITH LEYLAND CYPRESS ALONG KESLER ROAD TO SCREEN THE BACK OF THE BUILDINGS, UPGRADED MASONRY FRONTS AND A SERVICE ENTRANCE ON KESLER ROAD.

Commissioner Bill Brown made motion to approve request as approved by Planning Department with the two conditions, Commissioner Lampp seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

2. **RZ2005-151-STEVE A. MCLENDON, APPLICANT**/Mrs. Julia J. House, Mr. James Walter Jackson, Mrs. Sharon J. McLendon, Mrs. Deborah J. Gibbs, Owners borders Austin Road, Sand Pump Road & Perry Sims Road request Rezone of approx. 59.395 acres from AG to R1. PLANNING DEPARTMENT & PLANNING COMMISSION RECOMMENDS APPROVAL.

Commissioner Lampp made motion to approve with the following conditions: 20 Foot undisturbed buffer outside of the right-of-way along and adjacent to county roads, all lots must face interior streets & per state law when developed, the cemetery must be surrounded by a chain link fence and a permanent access easement, Commissioner Bill Brown seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

3. **RZ2005-152-MONTANA DEVELOPMENT, INC. APPLICANT**/Owner request Rezone @Hwy 81 & Clarence Edwards Road of approx. 60.90 acres from R2 to R2 to change an existing condition. PLANNING DEPT. & PLANNING COMMISSION RECOMMENDS APPROVAL.

Neil Counts representing Montana Development, 3190 Hwy. 78, Loganville, Ga. stated this property was rezoned in August 2005 as a Master Plan development & the UDC requires a 50 ft. buffer. When approved, the motion was that the lots in the our development would align with the Horizon Point lots, which was developed as a septic tank community & lots vary in size. The whole purpose of the R2 Master Plan is to have continuity within the development & what we would have by meeting this condition is to have lots up to 180 ft. wide on one side of road & 70 ft. wide on the other that are consistent, which defeats the purpose of the Master Plan by taking away the continuity of the development. We are requesting the condition be removed that lots in Dillard Heights align with Horizon Point.

OPPOSE: Scott Vickery, 775 Clarence Edwards Road, thanked the three commissioners who tried to help change this to a lower density & for us to try to maintain what was intended & should the request be approved, to make sure the developer is responsible in getting mud off the streets which would be appreciated.

Steve Worley, 168 Cole Circle, spokesperson for Horizon Point subdivision, remarked that back in July the board granted a motion of a 50 ft. buffer, fencing requirements for lots 1 & 4 & 1800 sq. ft. homes. After the Board approved this motion, a few days later there was some discussion & a decision made about matching these lot sizes & not to go into detail of the discussion, but he would be talking with the Ethics Board Chairman, as he didn't think it was right. He would meet with any board member privately about the matter & would address it to them only, until he meets with the Ethics Board Chairman.

He went on to say that he understood what the developer was saying & they're correct, they've met all the requirements they've had to & they shouldn't have to match our property, but we would still like to request that the 50ft. buffer stay, fencing for lots 1 & 4, minimum 1800 sq. ft. homes & also because of the discussion & discrepancy on lot sizes, homeowners would like either privacy fences or Leyland Cypress planted on Horizon Point homeowner's property or if they don't want anything they don't have to give them anything.

REBUTTAL BY NEIL COUNTS: If there is a requirement let it to be consistent throughout the entire development; 50 ft. buffer is required by the UDC & 1800 sq. ft. homes was a condition placed on them initially & have no problem in planting Leyland Cypress along the property line on their property.

Commissioner Wehunt made motion to deny request, Commissioner Hendrix seconded. DISCUSSION: In his opinion, Commissioner Bill Brown stated it was our fault as we rezoned it in haste after the second motion was made not realizing that we were trying to rezone a sewer subdivision backing up to a septic tank subdivision & we don't require those size lots in our UDC. I think that was where some of the discussion came from later in trying to rectify it without having to come back tonight. Mr. Counts has volunteered in good faith to plant the Leyland Cypress, which is above & beyond

what his original rezone was. Commissioner Wehunt commented the one reason it was rezoned was to get the sewer there for the commercial property & if you go look at it today & could put it back as it was, I don't believe we would put the rezone through again.

VOTE ON MOTION:

DISTRICT 1-NO	DISTRICT 2-NO	DISTRICT 3-YES
DISTRICT 4-NO	DISTRICT 5-NO	DISTRICT 6-YES

Commissioner Bill Brown made motion to approve the request to the change in condition relative to lot lines & to plant Leyland Cypress buffers on the properties of Horizon Point upon their approval, Commissioner Lampp seconded. DISCUSSION

DISTRICT 1-YES	DISTRICT 2-YES	DISTRICT 3-NO
DISTRICT 4-YES	DISTRICT 5-YES	DISTRICT 6-YES

- 4. RZ 2005-153-HINTON & MARGIE D. GRIFFETH, APPLICANT/owner** request rezone @585 Tanners Bridge Road of approx. 47.703 acres from R1 to R2 for a single-family residential subdivision. THE PLANNING DEPT. & PLANNING COMMISSION RECOMMENDS APPROVAL WITH THE CONDITION THAT SEWER MAY NOT BE AVAILABLE AT THIS TIME OR AT THE TIME THE DEVELOPMENT IS PURSUED & NO BUILDING PERMIT WILL BE ISSUED UNTIL PROOF OF SEWER SERVICE FOR THE DEVELOPMENT IS SHOWN.

Commissioner Wehunt made motion to approve if & when sewer is available & all exterior wall be masonry, Commissioner Bill Brown seconded. DISCUSSION:

DISTRICT 1-NO	DISTRICT 2-YES	DISTRICT 3-YES
DISTRICT 4-YES	DISTRICT 5-NO	DISTRICT 6-YES

- 5. RZ2005-154-SIERRA DEVELOPMENT, APPLICANT/Owner** request rezone on Tanners Bridge Road of approx. 120.49 acres from AG, R1 TO R2 for a single-family residential subdivision. RECOMMENDATION IS TO POSTPONE UNTIL DRI IS RECEIVED.

Commissioner Wehunt made motion to table until March 28, 2006 until the DRI is complete, Commissioner Berry seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

- 6. RZ2005-155-POLINA TOLOKOVY, YOU SON HEU, NIKOLAY PLESHA, MICHAEL PLESHKA APPLICANTS/Owners** request rezone on Thurmond Road of approx. 15.05 acres from AR & AG to R1 for 3-single-family residential houses. PLANNING DEPT. & PLANNING COMMISSION RECOMMENDS APPROVAL.

Commissioner Lampp made motion to approve, Commissioner Dyer seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

3. MICHAEL FISCHER-BID-RFB2006-17-CARGO VAN FOR CORONER

The memo in your packet states we only received one bid. Due to an oversight there were actually two bids received but one wasn't opened at the time we opened the other bid. The bid met all the requirements. Akins Ford was the low bidder.

Akins Ford-\$15,737.00

Brannen Ford-\$16,990.00

Commissioner Wehunt made motion to accept bid of \$15,737.00 from Akins Ford, Commissioner Bill Brown seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

4. EOWYN TILLEY-MEMORANDUM OF UNDERSTANDING-UGA & BARROW COUNTY FOR WATERSHED EXTENSION AGENT

This is a pilot project EPA & EPD to improve water quality. The UGA received a grant to assist with the implementation of this project & hired a Watershed Agent that will work with each county in the area to improve their watershed protection programs. They are asking each of the 12 counties in the Upper Oconee Watershed area to contribute \$5,000 on a contractual basis for the next two years as a supplement to this grant funded project. This will be a benefit to our county, as we have to complete 100% of our inventory for all stormwater structures. He can provide his service for free as well as I can also hire a temp person through that so the three of us can collect GPS data for the remaining stormwater structures, which is only about 50% completed. We're also required to go into the school system & give presentations to all seventh grade students, but we can't do this year because their having difficulty meeting their state required curriculum. The watershed extension agent is planning to create lesson plans that meet the state curriculum requirements & will do it for 3rd, 7th & 11th grade.

Commissioner Berry made motion to enter into this agreement, Commissioner Lampp seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

5. TERRY DARRAGH

1. **SPEED HUMP ORDINANCE**- Heard from good comments from Mr. Worley & he pointed out some good items that we need to continue to work on our ordinance to get the ordinance correct, to make it something we want to implement & understand all the issues we'll be facing with the speed hump program. I suggest we wait 30 days to allow us to talk with neighboring communities, get our costs together & schedule trips to look at speed humps in neighborhoods in

order for us to revise our ordinance & address some of the issues.
DISCUSSION.

Commissioner Hendrix made motion to table for 30 days, Commissioner Berry seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

2. WINDER BARROW INDUSTRIAL PARK WATER SERVICE IMPROVEMENTS

Back in December 14, 2004, Anderson Manufacturing was one of the industries that were identified as having a fire flow water pressure issue. The project was originally estimated to be \$891,000. At that time Anderson was to pay \$100,000, a grant was received for \$500,000 & the remainder is to be paid by the City of Winder & Barrow County through an intergovernmental agreement, which Barrow County's share would be approx. \$150,000. The project has now been designed, permitted & competitively bid in which the cost for the project is \$1,184,130. Based on the revised project costs, our share increased to \$292,065 & paid over a 3-year period. DISCUSSION: This should fix the problem & Winder engineers have engineered it to do that; will be available for other industries that need that kind of fire flow protection; we need to make sure City understands that we can't just jump up & do this every time that it needs to be done if they're going to control it & we need to have some dialogue between the City & us.

Commissioner Lampp made motion to approve the request to share in a 50/50 cost with the city for the bid project with the county's share to be \$292,065 for the bid project, Commissioner Dyer seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

7. RAIFORD PEACOCK-BARROW COUNTY LITTLE LEAGUE PROGRAM BUDGET

Total operation expenses requested are \$32,875.00.

Commissioner Dyer made motion to amend budget for \$34,355.00, Commissioner Hendrix seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

8. EXECUTIVE SESSION-LITIGATION & LAND ACQUISITION

Commissioner Wehunt made motion to go into EXECUTIVE SESSION for litigation & land acquisition, Commissioner Dyer seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

*****EXECUTIVE SESSION*****

Commissioner Bill Brown made motion to come out of EXECUTIVE SESSION, Commissioner Berry seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

With no business coming out of EXECUTIVE SESSION, Commissioner Hendrix made motion to adjourn, Commissioner Berry seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes. Meeting adjourned at 9:10 AM

BARROW COUNTY BOARD OF COMMISSIONERS

Douglas H. Garrison Chairman

Jerry D. Lampp District 1

William J. "Bill" Brown District 2

James Roger Wehunt District 3

Isaiah Berry District 4

David Dyer District 5

Ben Hendrix District 6

ATTEST:

Michelle R. Sims Clerk