

**BARROW COUNTY BOARD OF COMMISSIONERS
JANUARY 24, 2006-7:00 PM**

Staff & news media: Michelle Sims, Rebecca Whiddon, Murray Kogod, Guy Herring, Terry Darragh, Raiford Peacock, Michael Fischer, Keith Lee, Leanne Akin, Barrow County News, Dwaine Wilson & Arielle Kass, Gwinnett Daily Post.

Chairman Garrison called meeting to order with Commissioner Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all in attendance.

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

ANNOUNCEMENT: There will be a work session February 16, 2006 @4:00 PM in the training room in reference to impact fees.

1. APPROVAL OF JANUARY 10, 2006 MINUTES

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

2. PLANNING COMMISSION REZONES

1. **RZ2005-140-JOHN STELL, APPLICANT**/Sohall Roshan Ali, owner request rezone @659 Rockwell Church Road of approx. 1.375 acres from AR to C2 for retail development. PLANNING DEPT. RECOMMENDS APPROVAL WITH THE UNDERSTANDING THAT ANY VARIANCES FOR ZONING MUST BE FILLED SEPARATELY THROUGH THE BOARD OF APPEALS. PLANNING COMMISSION APPROVED REZONE.

Frank Clark, 720 Dollar Drive, Winder stated that either the map that they drew is wrong or the district is wrong that's in the Planning packet. The map shows it's on the north side of Rockwell Church Road, which is in District 6; packet shows District 4 & maybe somebody needs to be looking closer reading these things so there aren't little items like this that are wrong for the record. Also, with the development on Rockwell Church Road where they are doing the force main, would it be not prudent to maybe have the force main tie into this development so they wouldn't have to have septic? DISCUSSION: Legal description is right.

Commissioner Hendrix made motion to approve with the stipulation if there is a discrepancy as to what district it is it will be straightened out, Commissioner Berry seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

2. **RZ2005-141-JOHN STELL, APPLICANT**/Rachel Thompson & Frances Haygood request rezone on Ga. Hwy. 316 of approx. 10.709 acres from

AG to C3 for retail development. PLANNING DEPT. RECOMMENDS APPROVAL WITH THE CONDITION THAT APPLICANT MUST RECEIVE APPROVAL FROM GA D.O.T. FOR COMMERCIAL DRIVEWAY OFF OF HWY. 316. PLANNING COMMISSION APPROVED REZONE.

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

3. **RZ2005-143-CHRIS SULLIVAN, APPLICANT**/Clay Pentecost, owner request rezone on Bowman Mill Rd. –Tract “C” of approx. 7.00 acres from AG to R1 for the purpose of three single family homes. PLANNING DEPT. RECOMMENDS APPROVAL & PLANNING COMMISSION APPROVED.

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

4. **RZ2005-144-MULBERRY FORGE, INC., APPLICANT**/Sung Cha Moses, owner request rezone @Maple Park Dr. & Hwy. 82. APPLICANT REQUESTED APPLICATION BE WITHDRAWN WITHOUT PREJUDICE.

Commissioner Bill Brown made motion to allow applicant to withdraw without prejudice, Commissioner Berry seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

5. **RZ2005-145-WORTHY HOMES, LLC, APPLICANT**/Office of Church Development, owner request rezone @intersection of Freeman Brock & Dee Kennedy Rd. of approx. 21.64 acres from AG to R1 for a 14 lot residential subdivision. PLANNING DEPT. RECOMMENDS APPROVAL WITH THE UNDERSTANDING PER ART. 5, SEC. 504(F) A CONVENTIONAL SUBDIVISION IS NOT ALLOWED IN A R1 DISTRICT. AN OPEN SPACE SUBDIVISION WOULD BE REQUIRED FOR THE REQUESTED R1 ZONING DISTRICT. PLANNING COMMISSION APPROVED REZONE.

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

6. **RZ2005-146-STACEY E. COCHRAN, APPLICANT**/James D & Barbara D. Watson, owner request rezone on Watson Rd. of approx. 2.52 acres from AG to OI for a childcare learning facility. Applicant owns 2.56 acres & needs additional acreage in order to meet the minimum septic tank requirements. PLANNING DEPT. RECOMMENDED APPROVAL & PLANNING COMMISSION APPROVED.

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

7. **RZ2005-147-JAMES TOWNSEND, APPLICANT/OWNER** request rezone @507 Jefferson Hwy of approx. . . .586 acres from AR to C2 for the purpose of an antique shop. PLANNING DEPT. RECOMMENDS APPROVAL & PLANNING COMMISSION APPROVED.

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

8. **RZ2005-149-JEAN ROBERTS, APPLICANT/K&J Properties**, owner request rezone @corner of Tom Miller & Haymon Morris Rd. of approx. 61 acres from R2 to R2. Intent is to change conditions of a previous rezoning. Applicant would like to request for 2.3 single-family lots per acre with a minimum of 10,000 sq. ft. & a maximum of 140 single-family lots which is an additional 18 lots. House size will go from 1400 sq. ft. to 1600 sq. ft. with this rezone. PLANNING DEPT. RECOMMENDS APPROVAL WITH 2 CONDITIONS. 1) SEWER MUST BE AVAILABLE BEFORE DEVELOPMENT PERMIT IS ISSUED & 2) APPLICANT MUST AGREE UPON A HOLD-HARMLESS AGREEMENT DRAFTED BY THE COUNTY. PLANNING COMMISSION APPROVED WITH STAFF RECOMMENDATIONS.

Guy Herring, the Planning Director stated at the time of the Planning Commission we did change those conditions to a condition where the sewer must be available at the time of the development permit only; the hold-harmless agreement was omitted.

John Stell, representing the applicant, stated this is a clarification as there was some confusion as to what we really were given in 2005. Between the time the R2 application was filed & the time the BOC granted the R2 zoning the new UDC was adopted which at the Planning Commission there was discussion that led us to believe we would be given the density under the new UDC. There was some question about that so we filed this change in condition to clarify the fact that we are operating under the new UDC. At the time the BOC voted on this, the new UDC was in effect & we believe we should be subject to the new UDC in all respects & that will include the densities that will allow the density to be 2.3 dwelling units per acre & all other requirements, rules & regulations of the UDC will apply; it will be developed as an open space subdivision; we believe we should be treated equally under the new UDC. Regarding the condition on the sewer development, you have now adopted you new sewer allocation policy, which covers all that & to put a condition on this one is really inconsistent with the policy you just adopted. We should be subject to the policy you just adopted & we submit you don't need that condition.
DISCUSSION.

OPPOSITION: Frankie Preston, 1030 Mitchell Drive states there is a feeding frenzy that appears to be going on that land. On three corners they're building; each builder is representing each other. I live in the neighborhood, but basically have the only home there that is being affected & want to protect my investment. It would be a little unfair to me to have them come in & just throw up anything & think it will be a burden on the schools as well. I'm requesting larger homes & bigger homes & less crowdedness & more space in between. DISCUSSION. Need to get something out of it for the school system, house size & cost of homes.

Commissioner Wehunt made motion to approve request with brick, rock, stucco or masonry siding, Commissioner Dyer seconded. DISCUSSION.

DISTRICT 1-NO
DISTRICT 4-YES

DISTRICT 2-YES
DISTRICT 5-YES

DISTRICT 3-YES
DISTRICT 6-YES

3. MICHAEL FISCHER-LAND & WATER CONSERVATION FUND GRANT & RESOLUTION

Notification has been received from the National Park Service, U.S. Dept. of the Interior that the LWCF grant which consists of the development & rehabilitation of the 77-acre park known as Victor Lord Park has been approved. The project will include sports & playfields, trails & support facilities. The total cost is \$200,000 with the LWCF fund amount of \$100,000. The Board has to pass a resolution to accept the terms of the grant & to authorize the Chairman to sign agreement.

DISCUSSION: SPLOST funds will be utilized.

Commissioner Lampp made motion to adopt Resolution & authorize Chairman to sign agreement, Commissioner Dyer seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

4. BOARD APPOINTMENTS:

- 1. NORMA JEAN BROWN-PERSONNEL REVIEW BOARD-** Reappoint Jim Litchford as his term has expired & he is willing to continue serving. Sheriff request that Allyson Summerour be appointed.

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

- 2. CHAIRMAN GARRISON-BOARD OF HEALTH-**Reappoint Carolyn Settle

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

5. RAIFORD PEACOCK-BIDS

- 1. RFB2006-9-BALL FIELD FOUL BALL SAFETY NETTING**

Athletic Construction, Inc. - \$13,900
Athletic Specialties - \$15,000

Pierce Athletics - \$13,950
Burbank Sports Nets - \$20,847

Recommendation is to go with low bid of \$13,900 from Athletic Construction, Inc. Commissioner Wehunt made motion to approve low bid of \$13,900, Commissioner Dyer seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

2. RFB2006-10-BATTING CAGES

Athletic Specialities-\$28,380 Pierce Athleticis-\$31,900 Athletic Const. -\$33,400
Recommendation is to go with low bid of \$28,380 from Athletic Specialties.

Commissioner Lampp made motion to approve low bid of \$28,380, Commissioner Wehunt seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

6. MURRAY KOGOD-ACCEPTANCE OF VAWA GRANT AWARD

This is a Violence Against Women's Act Grant to be utilized by the Sheriff's Office Domestic Violence Task Force, which covers expenses related to the ongoing operations of the task force. This is the 4th consecutive year of Barrow County's participation in this grant program. Grant amount is \$14,480 with local match of \$4,827.00.

Commissioner Bill Brown made motion to approve request, amend budget & authorize Chairman to sign. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

7. TERRY DARRAGH-ROADS & BRIDGES BUILDING PROGRAM

The architect's cost estimate for constructing a new Roads & Bridges building is \$385,760.00 in which Carter Watkins Associates fees will be added at 4.75%. It will be a new pre-engineered metal building structure with 7500 sq. ft & 14' eave heights. This item was in last year's budget & wants to put it back in this year's budget, which would require a budget amendment. Talking with Winder about sewer to provide sewage to the site. Recommendation is to go out for bids & bring back before the Board. DISCUSSION:

Commissioner Wehunt made motion to proceed to go out for bids, Commissioner Berry seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes.

With no further business, Commissioner Dyer made motion to adjourn, Commissioner Hendrix seconded. Motion carried with Lampp, Bill Brown, Wehunt, Berry, Dyer & Hendrix all voting yes. Meeting adjourned at 7:50 PM.