

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

July 3, 2007
7:00 PM

Commissioners Present: Daniel B. Bridges, J. Harry Lange, Joe F. Manning, Patrick Whearley, Charles Wyatt. Staff Present: Carol A. Silva, County Manager; John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER.** Chairman Bridges called the Regular Session to order.
2. **MINUTES.** The motion to approve the June 19, 2007, minutes was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
3. **OLD BUSINESS**
 - A. **Decision: Special Use Permit Application of Southeast Towers, LLC, for a cell tower at 5355 Georgia Highway 85, Ellerslie (LL 190, LD 18, Map 080, Parcel 022).** Chairman Bridges said the Public Hearing had been held for Special Use Permit application on June 19 and that action had been tabled to this meeting. In response to questions, John Simmons, representing Southeast Towers, said that information had been provided that shows that the tower is engineered to fall on itself inside the leased area; that the breakpoint is high, about half-way up, so that the tower will fold into the leased area; that the tower will be about 130 to 140 feet from Highway 85. Chairman Bridges asked John Taylor, County Attorney, if the Ordinance requires a tower to be set back the distance of its height from a public road, if "zero fall" towers are addressed, or if variances are permitted. Mr. Taylor said that the Ordinance does not address "zero fall" towers, does not permit variances regarding same, and requires tower to be set back the distance of its height from a public road. There was further discussion regarding the proposed location of the tower and the distance from Highway 85. Following discussion, Chairman Bridges made the motion to deny the Special Use Permit application for the cell tower because it does not meet the requirements set out in the Ordinance regarding same. The motion was seconded by Commissioner Manning and passed unanimously. Commissioner Lange commented that the Ordinance may need to be amended to address "zero fall" towers.
 - B. **Second Reading: Amendment to Zoning Ordinance, Article II, Definitions, and Article IV, Section 1, 1.4, regarding Detached Residential Structures in R-1 Zoning Districts.** Chairman Bridges said that this was the Second Reading regarding the placement of detached residential structures and asked if there were any comments. A citizen, who did not give his name, asked what the amendment was for and if there was a size limit. Chairman Bridges explained that the amendment will allow detached residential structures, like guest cottages and in-law homes, to be built in the side or rear yards of the primary residential structure and that it could not exceed 800 square feet, and that structures that may be or are intended to be rented out are prohibited. The citizen asked if it addressed additions to residential structure and Chairman Bridges said that an addition to the primary residential structure does not have a size limit. The citizen had other comments not related to this specific matter and was directed to see John Champion, Community Development Director, regarding his concerns. There being no further comments or questions regarding this amendment, the motion to approve same was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.
4. **NEW BUSINESS**
 - A. **Appointment to New Horizons Community Service Board.** Chairman Bridges said that Gary Brown has resigned from this Board and that it is being recommended that Kittye Crockett be appointed to same. Following discussion, Commission Manning tabled action until the July 17 meeting.
 - B. **Financial Statement: May 2007.** Chairman Bridges asked if there were any comments or questions regarding the May 2007 Financial Statement. There being none, the motion to approve was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
5. **COUNTY MANAGER**
 - A. **Safety Discount Verification: Property & Liability Insurance.** Carol Silva, County Manager, said that was the usual document the Board has approved in order for the

County to receive a discount on its Property & Liability insurance premiums. The motion approve same was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.

- B. **Resolution: OneGeorgia Edge Grant Inducement**. Carol Silva, County Manager, said that this had been discussed during the preceding Work Session and that the Board needs to approve having the Inducement Resolution presented to the Development Authority for execution. The motion to approve presenting the Resolution to the Development Authority was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously.
- C. **Personnel Plan Grade Classification**. Carol Silva, County Manager, said that the pay plan had been discussed during the preceding Work Session and asked for approval of the Grade Classification form. Chairman Bridges said that the new job classifications chart showing the minimum and maximum pay scales needs to be approved; that it is not regarding the individual employee rates, which still need to be worked on. The motion to approve the new Grade Classification chart was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously.

6. **COUNTY ATTORNEY**

- A. **Intergovernmental Agreement with Development Authority re: Northwest Harris Business Park**. John Taylor, County Attorney, said that he had drafted an intergovernmental agreement with the Development Authority; that it was discussed during the preceding Work Session; that this document creates the structure for the Board to convey property in the Northwest Harris Business Park from the County to the Development Authority; that it will contemplate a from “time to time” transfer of property for industrial prospects; that for each prospect/parcel, there will be a separate written amendment to this agreement; that the Development Authority will accept transfer of the property subject to whatever conditions the Board puts on the transfer; that the time frame for this agreement is 20 years because bonds may be needed for industrial prospects . The motion to approve this intergovernmental agreement was made by Commissioner Lange, seconded by Commissioner Wyatt, and passed unanimously. (Document can be found in “Contracts & Agreements” file as C&A #07-18).
- B. **DOT Option Document: SR 116 at Palmetto Creek [BRST-0746(7)]**. John Taylor, County Attorney, said that several meetings ago, the Board approved a right of way option to DOT regarding the project on Highway 116; that the DOT has determined another 0.05 acres is needed; that because time was of the essence, the County Manager executed the document and returned them to DOT; and that the Board needs to ratify the document. The motion to approve the ratification/execution of this agreement was made by Commissioner Wyatt, seconded by Commissioner Lange, and passed unanimously. (Document can be found in “Miscellaneous Documents” file as MD #07-04.)
- C. **First Reading: Ordinance to Amend Alcohol Ordinance, Section 6.59, regarding Citizenship**. John Taylor, County Attorney, said that this ordinance is for the purpose of correcting the Ordinance to require that the applicant be a citizen of the United States in addition to being a resident of the State of Georgia. Chairman Bridges asked if anyone wished to make comments in favor of or in opposition to this Ordinance amendment. There being none, he said that the Second Reading and possible action will take place during the July 17 meeting.

7. **PUBLIC HEARINGS @ 7:30 PM**

- A. **Conflict of Interest Forms**. The Conflict of Interest forms were completed at the request of Chairman Bridges.
- B. **Explanation of Public Hearing Procedures**. Chairman Bridges explained the procedures involved regarding the Public Hearings.
- C. **Application of W. L. Willett to rezone 73.16 acres owned by Marie Carr Farmer in Land Lot 125, Land District 18, Map 081, Parcel 134B, from A-1 to R-1, present use undeveloped, proposed use subdivision, property located on Maria Lane**. Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission had recommended disapproval of the application and that the Zoning staff had recommended approval with conditions of (1) no lots fronting on Maria Lane, and (2) lots could be cleared for the footprint of the house and septic system only. W. L. Willett, applicant, appeared before the Board and said the proposed subdivision is off Maria Lane, which is off of Highway 315; that Maria

Lane is paved approximately 1,100 feet and then turns into a dirt easement going back through a couple of large pieces of property and then to the subject property; that all the lots will be a minimum of two acres; that the easement off Maria Lane goes down the property line of Quail Ridge and the easement crosses over lots 10, 11 and 12 of Quail Ridge; that he proposes to bring the paved portion of Maria Lane up to County standards because it does not have a base under it, and then pave the remaining portion to meet County standards with an easement continuing to the Saunders property; that he will tie the water line that currently ends in Quail Ridge to the one on Maria Lane and provide water to the proposed development; that Maria Lane has a 50 foot right of way, which many County roads do; and that the Comprehensive Plan shows this property as being residential.

Chairman Bridges asked if there were any comments or questions from the Board. In response to questions from the Board, Mr. Willett said that access to Maria Lane is off of Highway 315.

There being no further comments or questions from the Board, Chairman Bridges asked if anyone wished to speak in favor of this rezoning application. There being none, he asked if anyone wished to speak in opposition to the application.

Randy King, citizen who lives in Deer Run, appeared before the Board and said that because of all the growth in the area, he hasn't been able to hunt in the area for many years; that the only hunting that goes on in the area is by Billy Fuller, who hunts on the Mead/Saunders property; that there are five graves on the subject property, two of which are on a County map, and three are on a hillside; that it is not right to plow over someone's grave in order to make a quick buck; that people moved to Ellerslie to get away from the Columbus, the crime, the confusion and the traffic; that Highway 315 is getting bombarded with traffic from subdivisions that already exist; that the intersection at Highway 315 is "jammed packed" in the morning and evening; that to add more houses in the area will add more traffic; that emergency response time is already 20 to 25 minutes in Deer Run and will only increase with more houses; that the County is under water restrictions and more houses will only add to the water problems; that every time the wind blows hard, the power goes out, and more houses will only add to the power load; that none of his neighbors want the development; and that he would like to see this development disapproved until the intersection is upgraded, the water lines upgraded, and the power issue resolved.

Elsie Davis, citizen who lives on Maria Lane, appeared before the Board and said that during the Planning Commission meeting, Mr. Willett referred to stagnant water in the lines, but that she has never heard or seen that; that the County has been in a drought situation for several years; that the County purchases water from Columbus, which is concerned about its growth and possible water shortage, and Columbus is going to take care of itself before it takes care of Harris County; that it's Mr. Willett's business to build homes on any greenspace available; that Ms. Carr wants to sell her property, but the property has been dormant for years, even though subdivisions have built up around it which has resulted in no other entrance/exit from the subject property except Maria Lane; that in order for Mr. Willett and Ms. Carr to make money, the citizens who live on Maria Lane would have to give up what makes Harris County desirable in the first place; that everyone could live in Columbus if they desired; that they like living where they are in the manner they do; that they don't want to see the additional traffic that will result from the development; that subdivisions are for young people; that they want the peace and quiet of the area as it is now; and that there is no need for additional houses because there are so many for sale in the County

Rosey Richards, citizen who lives on Maria Lane, appeared before the Board and said that she has lived on Maria Lane for 17 years; that Maria Lane is a "lane", not a road; that the area is peaceful and quiet; that every time the wind blows, her power goes out, sometimes for three or four days at a time; that they can't get gas on Maria Lane; that they can't get cable on Maria Lane; that the road is 50 feet wide and is suitable as it is; that the rezoning sign was placed in an area that is very hard to see; that the traffic at the traffic light will only increase and cause further delays; that it takes 20 minutes for the washing machine to fill up to wash clothes; that there used to be deer and turkeys behind her house; that if Mr. Willett cared about the neighbors, he could put in five-acre lots; that they are not against progress, but most of the trees have already been cut down; that they don't want to be in a subdivision or live in the city; and that she wants to enjoy the country atmosphere.

Steven Burdett, citizen who lives in Deer Run, appeared before the Board and presented a petition of 40 signatures in opposition to the development; that no more development is needed in Ellerslie because he has counted about 116 lots and homes in Quail Ridge,

Deer Run, Ellerslie Place and Eagle Pointe subdivisions; that the traffic from the development will only cause more problems at the traffic light; and that because people are asked to conserve energy and water, he is asking that subdivisions also be conserved. (Petition can be found in "Miscellaneous Documents" file as MD #07-05.)

William Fuller, citizen who lives on Maria Lane, appeared before the Board and said that he has lived on Maria Lane since 1986; that if the development is approved, there is another 70 acres nearby which would probably be developed and only cause more problems; that pulling onto Highway 315 is difficult now and that if the development is approved, he will need to hire a flag man in order to get out of his driveway; and that he does hunt on the Mead/Sauders property, but it is bow hunting only. .

Gordon Davis, citizen who lives on Maria Lane, appeared before the Board and said that you have never heard of a death by bow hunting, it is very safe; that greenspace is needed; that developments are taking all the greenspace; that there are no longer turkeys in the area; and that if he wants a "concrete jungle" he can drive to Columbus.

Eric Jones, citizen who lives in Deer Run, appeared before the Board and said that there is enough progress in the area, but there are plenty of empty lots and homes; that progress is such that we seem to be getting ahead of ourselves; that we need to preserve what land there is; that the subject property is pretty much clear cut; and that approving the development will drastically change the environment of Maria Lane with the addition of traffic and noise.

There being no further comments, Chairman Bridges asked Mr. Willett for rebuttal.

Mr. Willett said that he appreciates all the comments; that he has met the County guidelines concerning developments; that by tying the water lines together will help the Water Works; and that paving Maria Lane will improve the area.

Chairman Bridges asked if there were questions or comments from the Board. In response to questions, Mr. Willett said that Ms. Carr has said the graves are not on the subject property, but may be nearby on other family property; that if there are graves on the property, he would have to meet the requirements of fencing them in.

There being no further comments or questions, Chairman Bridges closed the Public Hearing. He said that although Mr. Willett has offered to upgrade Maria Lane to meet County specs, it would have to have a 60 foot right of way; that there will be problems in getting the additional property from the property owners; that subdivisions have come before the Board regarding Maria Lane on more than one occasion, and each time the Board has not seen it appropriate to infringe on the citizens on Maria Lane, and he does not see it appropriate now; and that Maria Lane is a "lane" and not appropriate to have subdivisions built at the end of it.

Chairman Bridges then made the motion to disapprove this rezoning application. Commissioner Manning seconded the motion, which passed unanimously.

- D. **Application of Mulberry Grove Development Company, LLC, to rezone 1101.8 acres in Land Lots 7, 8, 35, 36, 49, 73 & 74 in Land District 19, Land Lot 8 in Land District 20, Parcels 14 & 15 on Map 033, Parcels 003, 039, 040, 042 & 043A on Map 032, from A-1 to CUPD; present use recreational hunting, proposed use mixed used; property located on Georgia Highway 315 at Mountain Hill Road, east of I-185 interchange.** Chairman Bridges called the Public Hearing to order, read the specifics of the application, and said that it had been recommended for approval from both the Planning Commission and the Zoning staff.

Mat Swift and Doug Jefcoat of W. C. Bradley, Bruce Jones of the Woodruff Company, Bill Linscomb and Liza Mueller of Highgrove Partners, appeared before the Board. Mr. Swift said that Otis Scarborough, president of the Woodruff Company, was out of the country. Mr. Swift said that much has been said about the project; that the two companies have been developing for several decades, both in Columbus and in Harris County, so they have a proven track record on developing quality developments; that as the project evolves, it is important that they continue to meet and talk with all the people and constituents; that it is important to focus on the land use issues; that this is controlled concentrated growth, versus subdivisions popping up all over the County; that growth is going to come to the County and the issue is to control that use; that they have tried to reach out to as many of the stakeholders to include County and State officials and as many neighbors as possible to get input in the development; that they have developed a partnership with a number of neighborhoods, meeting with them and trying to listen to their concerns and voicing out concerns; that this is a 20-year project, which

will not work without the neighborhood being involved, without listening to them, without working with them and them working with us; that this is the right project at the right time for Harris County; and that this will be a win-win development not only for the Bradley Company, the Woodruff Company, and the neighbors, but for the entire County.

Bill Linsicomb, of Highgrove Partners, reviewed a PowerPoint presentation to include that The Grove represents the same ideas as those seen in a small southern town, like Hamilton or Pine Mountain; that it will be a mixed use project with commercial areas, live-work opportunities, offices, and various types of neighborhoods of apartments, town homes, smaller cottage and village homes, on one-half to two-acre lots; that the streets will be interconnected with parkways and greenways that will have recreation areas for children and adults; that there will be approximately 300 acres of open space, recreation and community centers; that there will be active recreation open to the community to include soccer and little league fields; that there will be greenspace and small village parks; that the school campus will be 60 acres; that church sites have also been incorporated into the plan; that the housing will be traditional southern style architecture; that the closer to the core village the lot size will be more modest as will the house size; that town homes and some apartment homes will be adjacent the core village; that some apartments may be above the retail shops; that plans include cafes, restaurants and shops consistent with the feel of southern Georgia; that plans include highway commercial adjacent to I-185 with larger scale retail to include a hotel, larger stores, and a variety of retail to address highway needs and a high-tech area to the south of Highway 315. After the presentation, he said that some of the concessions they have made as a result of various meetings with neighbors include (1) 100 foot buffer around the entire property, (2) in areas adjacent to Creek Bend, Mountain Hill Crossing, and Poplar Place subdivision, there will be another 100 feet of medium density land use to ensure that there will be no commercial uses adjacent the subdivisions; (3) reduced the hi-tech corporate office space and commercial by 890,400 square feet; (4) reduced the apartment count by 15% and reallocated its position to be more sensitive to the surrounding subdivisions; (5) provided 296 acres of open space, parks and buffers, not including the 30-40 acre site community center; (6) consolidated the school site of over 60 acres; and (7) agreed to a steering committee to continue to have communications with the surrounding neighborhoods. He also said that this development is consistent with the future Comprehensive Land Use Plan; that they have reviewed the staff report and the DRI report and are in agreement and in concert their comments. He concluded by requesting that the rezoning to CUPD be approved.

In response to a question from Commission Wyatt, Mr. Linsicomb said that the number of units is still 2,198. In response to questions from Commissioner Manning regarding the 2.8 acre park in the middle of Highway 315, Mr. Linsicomb said that represents a commitment to greenspace, and Mr. Swift said that this is a conceptual plan that has to be part of the process and whether or not DOT will approve the park and circle will be part of the process. Mr. Linsicomb said that the DOT is considering the "circle" idea that will be part of the village core and help to slow traffic down. In response to a question regarding how long the property had been owned by Mr. Turner, and Mr. Swift said that it has been owned by Mr. Turner since 1947. In response to questions from Commissioner Whearley, Mr. Linsicomb said that the hotel will be in the highway commercial "bubble" shown on the conceptual plan. There being no further questions or comments, Chairman Bridges asked if anyone wished to speak in favor of this rezoning application.

Dwight Langston, citizen who lives in Creek Bend Subdivision, appeared before the Board and said that while he and his wife were initially opposed to the project; that they have discussed the project with the developers and have had some of their concerns addressed; and that the only thing not mentioned tonight is that there would be a 100 foot professionally maintained buffer on the commercial side of Mountain Hill Road. Mr. Linsicomb said that is correct. Mr. Langston said that as the project has been presented, he and his wife are now in favor.

Christine Hurley, citizen who lives in Mountain Hill Crossing Subdivision, appeared before the Board and said that out of 15 families living in her subdivision, only four have come to her with "anger" about this project; that after advising them about the cooperation of the developers and the concessions made, her neighbors are "at ease"; that she can't say that they are happy with a 10-20 year project; that there are still concerns regarding the traffic issues; that there are concerns about the cost of the sewer line and if the County has the funds to pay for same without raising taxes to pay for the line; that they are comfortable with the developers because they do quality work and are reasonable and have everyone's interest at heart; that the Board should consider the infrastructure needs of the project; and that they are in favor of "planned" growth.

Ashley Edgington, citizen who lives in Poplar Place Subdivision, appeared before the Board and said that she has met with the developers on many occasions and has gone door-to-door in her neighborhood on many occasions to keep everyone advised regarding the project; that there is a handful of neighbors that are not happy; that many are concerned about the infrastructure and how the County is going to support the planned growth; that most are okay with the planned growth; and that for her and her family, she is okay with the project, as her property backs up to the project.

Cindy Hansen, citizen who lives in Creek Bend Subdivision, appeared before the Board and said that her home is set far back on her lot; that the developers have worked with the neighbors, especially her, regarding concerns; that the developers have made concessions; that as the project stands now, it is good; that the Commissioners have got to come up with something soon regarding the infrastructure because without that, the project will not be supported.

There being no further comments in favor of the rezoning, Chairman Bridges asked if anyone wished to speak in opposition.

Bill Hagler, citizen who lives on East Bon Acre Road, appeared before the Board and said that there is enough building going on; that if people from Columbus want Columbus ways, they can go back to Columbus; that he moved to Harris County 47 years ago to get away from the city; that the development has had no thought; that 30 years from now there may not be any water in the river; that development can't keep going on without being thought out; that cement and asphalt creates dust; that he is opposed to the development.

John Jay, citizen who lives on Hamilton Mulberry Grove Road, appeared before the Board and said that he is not totally against the development, as such, but he doesn't want to see the urban sprawl take place; that if the sewer line is brought to this development, what happens from that point on will devastate the County and the demographics will be forever changed; that he is concerned as to who will pay for the sewer line; and that people move to Harris County to get away from urban sprawl and want greenspace.

Tim Swenson, citizen who lives on Apple Drive, appeared before the Board and said that the picture (conceptual plan) is nice but the developers don't even know what the final project will look like; that as far as he knows there is no zoning for apartments or big commercial areas in Harris County; that this project will jam a bunch of people in a small place who will be able to build their homes of half-acre or less, rather than on the one to two-acres that the County requires; that it is not fair to those who had to build on one or two-acre lots; that there are concerns about the water issues; that regarding electricity, there are not power grids that will support all the growth; that the people of the County can't support this development; that the County is pretty much a bedroom community for Columbus and this will bring Columbus here; that carpetbaggers used to come from up North, but this bunch is from the South and will ruin Harris County; that he likes the County the way it is with the deer and turkey; that the proposed development "is not Harris County"; that everything being offered by the development can be obtained by going to Atlanta or Columbus; that the Commissioners represent the County and there will be a day when the citizens vote; and that he is against the development.

Roy Saxton, citizen who lives in Poplar Place, appeared before the Board and said that everyone does not want the traffic and sprawl that will result from the development; that the citizens elect the Commissioners and voted for them to do the things the citizens want done. He asked if the Commissioners had conducted a survey to see if their constituents around the development are in favor of the project. Commissioner Whearley said that he has just as many calls for it as he has against it, but that he has not performed a door-to-door survey. Mr. Saxton said that some type of survey should be done since something this large will change the way the citizens live. He said that bringing the commercial retail is all about money and that if the commercial comes, his taxes won't go back down; and that the constituents should be asked for their preference.

Debbie Leonard, citizen who lives on Fortson Road, appeared before the Board and said that she purchased her land in 1987; that she owns 10 acres; that she recently traveled to Florida and while on the interstate, she saw beautiful woods, then nothing, with a development sign for The Grove, a similar development with the same name in Florida; that it saddens her that something like that will be allowed in Harris County; that while the Bradley Company and the Woodruff Company do beautiful work, that is not why people moved to Harris County; that she is concerned about the increase in traffic on Fortson Road; that the sewer line will be across from her home where there is 250 acres

where more subdivisions can be built once the owner taps into the sewer line; that she chose to move to Harris County to not be in Columbus.

Chris Owens, citizen who lives in Poplar Place, appeared before the Board and said that he is concerned about the water; that 2,200 units means about 5,000 more people; that the commercial retail, including the hotel, will be exempt from the water restrictions; that there already is greenspace - it doesn't have to be artificially made with sprinklers; that regarding taxes, Columbus is full of commercial and industrial businesses, but many people moved to Harris County because the taxes in Columbus are twice that in Harris County; that if residents were given a choice of maintaining the status quo of being a quasi rural community and take a higher tax rate, most would take the higher tax rate to avoid having huge commercial developments that bring along heat pollution, light pollution, and taking up the water and sewer and ruins the quality of life for which people came to Harris County; and that this development seems to fly in the face of the philosophy of Harris County as the current residents see it.

Juan Carino Sanchez, citizen who lives on Mountain Hill Road, appeared before the Commission and said that he favors progress, which brings jobs, opportunities and education, however, all he sees is that the development is a pretty picture; that progress without control and balancing it with the environment will not succeed; that a city will result from the development; that when developments are pushed onto people is when the people will rise; that government representation is a fundamental principle of the people; that those who are elected are to carry out the desire of the people; that the mighty dollar is the reason for corruption; that if this progress is going to work, the concerns of the people must be taken into consideration; that he doesn't mind progress as long as it is done in a manner that protects the way of life of the people in the community; that the people will hold the Board accountable for the failure to protect their unalienable rights; that the only guarantees we have are life, liberty and the pursuit of happiness; that there is concern that taxes will be used to pay for this project; and that he will use his money to protect our rights.

Jean Rodgers, citizen who lives in Dogwood Forrest, appeared before the Board and said that she can see similar developments in Hamilton, on Hopewell Church Road, in Pine Mountain; that the Board has to decide what Harris County is - either it is rural with turkey, deer and trees, or "this" (the development); that you can't have both; that the development will not be a real southern town, Hamilton is a real southern town - fix Hamilton; that the people of Harris County moved here for a reason; and that perhaps a referendum is needed regarding such a development and for the people need to know how much taxes will go up to keep Harris County as it is.

William Jugal, citizen who lives on Barnes Mill Road, appeared before the Board and said that his television signal gets knocked out about three or four times a week from 10:30 to 11:00 at night; that maybe this development will block it out; that he moved from Columbus for the greenspace and he would like to see it stay that way.

There being no further comments in opposition, Chairman Bridges asked for rebuttal.

Mr. Swift said that they respect the opinions of the citizens who spoke; that they understand and respect where they are coming from; that there is no question that the people want to keep the county rural and most want 3, 5 and 10 acre lots; that that is the very reason the CUPD ordinance was created to allow a small portion of the County to be dense along an interstate area and won't tax the rest of the County; that CUPD ordinances won't be scattered throughout the County as such a development is required to have major highways, sewer and infrastructure built in; that it is their position that this CUPD on this tract of land in the southern part of the County on the interstate goes a long way towards preserving the rest of the County in its rural nature; that to some degree the County can have it both ways — lot of services and density and amenities in a concentrated and controlled area to where the impact is minimized; that growth is going to come to the County and this is a good location for controlled growth. Regarding the "bubbles" on the conceptual plan, those "bubbles" are set in stone under the CUPD ordinance; that they can't be changed with respect to the use, the density, the location, and how they interrelate to each other, but the development within each "bubble" can be moved around.

Mr. Jefcoat said that regarding the sewer line, the only place high density development can take place is within a CUPD; that be virtue of extending the sewer line will translate into high density residential growth; that a CUPD is the best mechanism to control growth in a place where infrastructure, law enforcement, water, sewer and roads are concentrated in one area; that a CUPD requires an area where the infrastructure can support such a development; that in order for the development to be successful, the

infrastructure has to be in place; that they appreciate the concerns and opinions of everyone who spoke; and that this development will be done in a way that the County can be proud of.

Mr. Linsicomb said that conventional wisdom and conservation planning is in fact what the development is all about and allows the preservation of other areas; that this plan is consistent with the Comprehensive Land Use Plan; that allowing concentrated development will allow for less dense areas as you move away from the concentrated area; that the water and sewer issues are addressed in the staff report and the DRI study; that there is acceptable capacity available to the project site; and that regarding the water restrictions, such restrictions do apply to residential and commercial alike.

Chairman Bridges said that there is a cemetery on the subject property and asked about the plans regarding same. Mr. Swift said that before development is underway, testing has to be done which will include archaeological and historical testing; that once the exact dimensions of the cemetery are determined, a park will be located around it with fencing for protection. Mr. Jones said that the cemetery will be incorporated into the whole development plan.

Commissioner Whearley asked about the maintenance of the parks within the development and whether or not the parks will be public or private. Mr. Linsicomb said that the maintenance of the parks will be part of the homeowners association fees and that they will be open to the public. Regarding the parks and greenspace, Chairman Bridges asked to whom the property would be titled, and Mr. Swift said that it would be titled to the homeowners' association but will be open for public use. Commissioner Wyatt asked what would be developed first. Mr. Linsicomb said that to a certain extent, the market drives what is developed first, but more than likely the town center and single family residential will be developed first. Commissioner Whearley asked if there would be ingress and egress from Mountain Hill Road for the commercial part of the property, and Mr. Jefcoat said that there will be access points from Mountain Hill Road. Mr. Swift said that while there will be a 100 foot professional landscaped buffer on the south side of Mountain Hill Road, there will be curb cuts for access. Chairman Bridges asked if you would be able to see the commercial area through the 100 foot buffer as you go down Mountain Hill Road, and Mr. Swift said that you will be able to see some of the commercial with curb cuts through the 100 foot landscaped buffer. Commissioner Whearley asked if the commercial area could be done without curb cuts, and Mr. Swift said no, that the 80 acre commercial area could not be developed with all the traffic accessing Highway 315. He said that the curb cuts will be located through a process with the County engineers and planning department.

Commissioner Manning asked if any part of the development plan came back to the Commissioners for approval, and John Taylor, County Attorney, said that once the Board approved the rezoning, which includes the approval of the conceptual plan, the Community Development Department has to approve each phase. Chairman Bridges said that the zoning for a CUPD requires a conceptual plan so that the Board will know what is planned before it is developed.

Mr. Swift said that they have also agreed to restrict who would be allowed in the commercial office park area and are willing to have that made part of the rezoning.

There being no further questions or comments, Chairman Bridges closed the Public Hearing and asked for a motion. Commissioner Whearley made the motion to approve this rezoning with the following conditions: (1) where the office park corporate meets Poplar Place Phase II, an additional 25 foot buffer is required to make the buffer 125 feet; and (2) dumpsters and such of any commercial businesses will be nicely fenced. Commissioner Lange seconded the motion and said he would like to add stipulations, the intent for which is that noise, odor, dust and glare associated with the uses in this district be confined within the buildings so as to minimize the effects of adjacent development uses and that the traffic generated by those uses be minimal but that transportation facilities and routes are easily available; that the stipulations are (3) no M-2 (Heavy Manufacturing and Sexually Oriented Establishment), MHU-1 (Manufactured Housing Park), or MHU-2 (Manufactured Housing Subdivision) district shall be permitted; (4) all M-1 (General Manufacturing) uses in addition to M-1 use restrictions must not be of a noxious or offensive nature or likely to be a nuisance to other CUPD uses, and (5) any M-1 (General Manufacturing) uses shall not emit excessive odors, fumes, smoke, noise, dust or glare, and shall not utilize hazardous chemicals or biological substances. Commissioner Whearley amended his motion to include the additional stipulations. Commissioner Wyatt asked if the approval was contingent on working out a plan regarding the sewer, and Chairman Bridges said that it would have to be.

Regarding the sewer issue, Chairman Bridges said that the project cannot go ahead without the sewer; that the sewer issue will fall under the County's water department; that there would be no tax money applied to it; that to protect the citizens who won't benefit from the sewer, some type of mechanism will be put in place so that any bonds or whatever will be borne solely by the 1,101 acres and whoever owns parts of that at the time; that it is not fair for anyone else in the County to be liable for any shortcomings regarding the sewer; that a special tax district can be done for that area to prevent that from happening if bonds are sold. Regarding the water issue, Chairman Bridges said that several weeks ago there were very strict restrictions because the County was in a critical position; that it is not something that the County has just started working on; that many months ago, the County started improving the water system; that probably in the next year or less, we will add another million gallons of water a day added to our capacity, which will take us well into the future regarding water restrictions; and that the County is preparing for the future so that we won't have such restrictions in the future.

Commissioner Manning said that he is not in favor of 2,200 residential units which will bring 3,000 or 4,000 new students to our schools, about 4,400 more vehicles on Highway 315; that everyone will not use I-185 for travel; that he does not think this is something the people want; that it is not good for the County; that it is not the way he wants to see the County go; and that he will vote against it.

Chairman Bridges asked for a vote on the motion with conditions. The motion passed with four in favor (Whearley, Lange, Bridges, Wyatt) and one opposed (Manning).

7. **OTHER**

A. **Edge Grant Application**. Carol Silva, County Manager, said that in conjunction with the Edge Grant, it was briefly discussed in the preceding Work Session about having the grant application prepared by Allen & Smith Consulting or the RDC. The motion to approve having the grant application prepared by the firm that is the least expensive was made by Commissioner Lange, seconded by Commissioner Whearley.

8. **ADJOURN**. There being no further business to discuss, the motion to adjourn was made by Commissioner Lange, seconded by Commissioner Whearley, and passed unanimously.

Daniel B. Bridges, Chairman

Attest

Nancy D. McMichael, County Clerk