

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, February 23, 2006, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Peter Pfeifer

STAFF MEMBERS PRESENT: Chris Venice, County Administrator
Dennis Davenport, Assistant County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Dunn called the meeting to order, offered the Invocation and led the Pledge to the Flag.

REZONING PETITIONS:

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County Commissioners. She said at this hearing the Board would listen to the concerns of everyone, whether in favor or opposition to the rezoning petition. She pointed out when a rezoning petition was called, the petitioner or representative for the petitioner would be allowed 15 minutes in which to present the details of the request, followed by anyone who wanted to voice support for the request. She stated that the Chairman would then allow all those individuals who were opposed to the rezoning to stand for a moment to display their opposition. She said the Chairman would then ask those individuals who wished to come to the podium to speak to remain standing so the Board and staff could get an idea of how to allocate its time. She said the Board would allow up to 3 minutes for each speaker. She said when the persons speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

Commissioner Wells further remarked that these hearings were a part of the permanent record and speaking at the podium with the microphone helped staff with their task of recording comments and ensured everyone being heard. She remarked when it was an individual's turn to speak that they come to the podium, state their name and address and direct their comments to the Board only. She asked that after individuals speak that they sign the sheet that would be provided by the Marshal in order for names to be spelled correctly for the record.

Commissioner Wells stated that the Board wanted to hear from everyone who had something to say and they would pay close attention to each point raised. She said it would not be necessary for the same point to be raised over and over. She thanked everyone for their participation and announced that the Zoning Administrator would begin introducing each request in the order they appeared on tonight's agenda.

PETITION NO. RP-037-06:

Director of Community Development Pete Frisina read of Petition No. RP-037-06, Ernest King, Owner/Agent, request to subdivide Lot 1 of Grooms Point consisting of 4.436 acres into two (2) single-family dwelling lots. He said this property was located in Land Lot 189 of the 4th District, fronted on Grooms Circle, and was zoned R-40. He said the Planning Commission recommended denial 4-1 and Staff indicated that the revised final plat complied with all technical requirements.

Ernest King remarked that he was planning on two single-family dwelling lots as indicated. He said the lower lot next to the Ognio's property it would be a wooded strip of land going straight back with just a driveway going through there. He said this portion would go in between the trees and would leave the area untouched in regard to cutting of trees except what was necessary to get the driveway through and underbrush cleaned up. He commented on the second lot. He said they would only clear as few trees as possible and planned to build again himself. He said this would not be for sale or development necessarily although one lot could be sold. He said it might strictly be a family thing which it had been so far. He remarked that he had been criticized at the Planning Commission meeting about the area where they lived being clear cut and the other surrounding properties were in a lot of trees. He said there was a reason for that. He stated when he purchased the land in 1972 that one side of the property was clear and was ploughed at the time he purchased it. He said after that time the property grew up in scrub pines for several years before he cleared that. He said there were a lot of sweetgum trees and pine trees and one of the large pines had fallen on a power line. He said this was the extent of the cleaning up that he had done on the property. He said the area located behind the property had experienced a severe infestation of pine bores. He remarked that those diseased trees had to be removed and this was the reason for the clear cutting.

Commissioner Wells asked Mr. King if he was referring to lot number 2 where he was currently building his house. She said she was trying to ascertain which lot was clear cut.

Mr. King responded the lot closest to Grooms Circle.

Mr. King remarked that he hated to be an odds with his neighbors but he felt that he should be able to make the best use of the property that he had. He noted that this would not adversely affect his neighbors.

Commissioner Frady asked Mr. King how many lots were in the subdivision. He pointed out that Mr. King had purchased the property in 1972.

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Mr. King replied that he had ten acres at that time. He noted that in 2003 that was the point in time when he decided to build another house in Grooms Point and in order to be able to borrow the money on a credit line he needed to have a definite building lot. He said this was the time when he built in the subdivision called Grooms Point.

Commissioner Wells asked Mr. King that since that time how many of the lots had he built on.

Mr. King replied that he had built on two of the lots. He said his son built on the lot located in the corner of the tract and he built on the other portion.

Commissioner Wells clarified that although this was platted as a subdivision there was no one living in that area except Mr. King and family.

Mr. King replied yes that was correct.

Mr. King said he would be glad to answer any questions.

Commissioner Frady asked if any of the 80 acres of property in that area was developed when Mr. King had developed his property.

Mr. King replied no it was not. He noted that had come about later. He said when his family moved down there Grooms Road was not paved at that time and none of the lots were drawn up until years later.

Commissioner Frady noted that this property was part of an 88 acre tract that was zoned R-40 on May 6, 1972. He asked Mr. King if he was the only person living in that area.

Mr. King responded that he would not say that he was the only person. He said he did not know exactly what the 88 acres encompassed. He said if it goes down Grooms Road, there were some other people that built in there right before he did and also right afterward.

Chairman Dunn asked if anyone was present who would like to speak in favor of this application.

Liz King said she was the wife of Ernest King. She said when they attended the Planning and Zoning meeting one of their neighbors had said they wanted to sell all of their land and move to the mountains. She said their son lived next door and she had two grandchildren ages one and five and she had no plans to leave her home and family and move to the mountains. She said she certainly cared about the neighborhood. She said whatever the Board decided they would be alright with that decision. She said they were just getting older and wanted to make the most of their assets.

Chairman Dunn asked if anyone else wished to speak in favor of this request. Hearing none, he asked if anyone wished to speak in opposition to the request.

Tommy Blasingame, 178 Grooms Road said he lived right down the street approximately two lots away. He said Liz and Ernest had both been good neighbors. He said they hated to be here in opposition tonight and he hoped that whatever decision was reached that they would still be good neighbors. He said one of their concerns was that Mr. and Mrs. King would sell their property and not really care about what was left behind. He said the Kings had been very good neighbors and they had been one of the first families who he had met when he first moved to this neighborhood in 1979. He said he was speaking out in opposition to this rezoning because all of the property in that area was five acres or more. He said there was a larger group of people in opposition at the Planning and Zoning meeting. He said there was no one present at that meeting who was in favor of the request at that meeting and he would be interested to know if anyone had contacted the Commission stating they were in favor of this. He said he and his family had moved to that area to stay and he planned to live there in his retirement years. He said he would like the property to remain five acres or more like it was currently. He said a lot of the property had been developed after the Kings moved there. He said the Harpers who were neighbors living across the street were very much opposed to this although they were not present tonight. He said it was his concern that this rezoning would have a domino effect. He noted that this subdivision consisted of approximately twenty lots and each one was five acres or more. He said everyone living there now wanted to keep these tracts at five acres rather than breaking that down to smaller tracts with smaller homes. He expressed concern over the value of the land decreasing.

Chairman Dunn asked Mr. Blasingame where he lived on Grooms Road.

Mr. Blasingame replied that he lived at 178 Grooms Road which was two lots northeast from the property in question.

Chairman Dunn asked Mr. Blasingame if he lived in this subdivision.

Mr. Blasingame replied yes that was correct. He said he had purchased the property in 1979.

Commissioner Wells asked if there was a subdivision within this subdivision. She asked if the King property was a subdivision in and of its own self within Mr. Blasingame's subdivision.

Mr. Blasingame replied no, not that he was aware. He said it was not really like a subdivision. He said this was just a country neighborhood and basically five acres or more for everyone living there. He said everyone who had moved there had done so with the intention of staying and not subdividing their property out. He said everyone hoped the Kings would stay because they were good neighbors.

Chairman Dunn said it appeared that there was approximately 21 lots in this platted subdivision.

Mr. Frisina remarked that this subdivision was not platted in the way that subdivisions were currently platted. He said it encompassed the area of R-40 in that area.

Commissioner Wells questioned the location of Grooms Point Subdivision.

Mr. Frisina remarked that the area encompassed on the map as R-40 did not have a name because it was done so long ago. He said this just shows up as a single page in the Tax Assessor's plat books. He said by today's standards this was not how subdivisions were built.

Mr. Blasingame remarked that when he purchased his property the road was a dirt road. He noted that Grooms Circle was a paved by itself. He said the contractor had paved it and you would have to go through a dirt road to get to the paved road. He said since that time the entire roadway had been paved. He said it was the residents' wish to keep the property in tact as it was currently and enjoy their lives as in years past. He said the residents did not want the growth or the extra houses in there.

Denise Ognio, 390 Grooms Circle said she lived next door to the lot in question. She said she had gone door to door before the first Planning and Zoning hearing. She said at that time there was one neighbor who acted like she did not want to get involved because the Kings were such nice people. She said not one person on the road where she lived had said that they were in favor of this. She said not one person on the road behind her and she had spoken to over half of the people living on Grooms Road had said that they were in favor of this. She said there were four families from Evans Way who did not favor this. She said she and her husband had moved to this area and there were no houses on the back part of Grooms Road or Evans Way. She said they have moved to the area to get away from subdivisions. She noted that when this was created as an R-40, it did not mean the same thing that it meant today and it was not a subdivision. She said it was tracts of land consisting of five acres or more where they could have wooded area, raise their children and not be in a crowded subdivision with a lot of houses. She said she was the person that Mrs. King was speaking about in her previous remarks.

Ms. Ognio remarked that she had called Mrs. King and asked her what they intended to do with their property. She said Mrs. King told her that they were thinking about moving to the mountains and also build a house beside of her home and sell the rest of the property and make it into smaller lots and because they were getting older and going to retire they had to raise the money to move to the mountains. She said the Kings were wonderful Christian people and she thought a lot of them but if they were going to move away and not care about what they were going to leave and make this into smaller lots, it was going to hurt the surrounding families. She pointed out that there was well water down there and the current families were struggling with that issue. She said there had already

been two families who have had to bore a well and she was one of those. She said the Harpers who lived across the street had to bore a well because of the lack of water in that area. She said there were sewage problems and everything else and she could not imagine adding more houses. She said she just did not understand when someone moved to an area like this with the understanding that it would remain five acre parcels and then have something like this happen.

Chairman Dunn clarified that the Kings were just asking to split one lot and there would only be one additional lot.

Ms. Ognio remarked that the Kings had added two houses in the last six months.

Chairman Dunn replied that was alright because those lots were separate lots.

Ms. Ognio said she understood that but felt after she had spoken to the owners themselves that this was not the final plan.

Chairman Dunn asked if anyone else wished to speak in opposition.

Randy Ognio said he was Denise's husband. He said there were a lot of concerns with this request. He felt this would affect the value of his house. He said if this was being called a subdivision he did not understand why Mr. King was not being held to the standards of the rest of land developers. He said Mr. King was not being required to put in detention ponds. He said he lived down hill from this property and a lot of water comes from Mr. King's property down to his property. He said the landowner at the bottom of the hill was really having problems. He said when Mr. King built the last two houses the dirt washed down the ditch so that it stopped up his culvert under the driveway and water washed over his driveway and just about washed it away. He said he dealt with the problem but did not say anything to the Kings. He said he fixed the problem and went on with his business. He said he did like the fact that the Kings wanted to subdivide their land. He said this just was not right. He said the Kings told his wife that they were going to build these two houses, sell them all and then move to the mountains. He said he felt like Mr. King had plans to divide one more section into two sections to build another house. He said he felt like the Board was not being told the whole truth. He said he hated to be against his neighbor but he was not in favor of this request.

Chairman Dunn asked if anyone else wished to speak in opposition. Hearing none, he asked Mr. King if he had any rebuttal comments.

Mr. King remarked that the impression that the Ognios have was totally wrong. He said Mrs. Ognios had called his wife and asked her what was going on with the rezoning sign. He said his wife told Mrs. Ognio that they wanted a place in the mountains. He said that was correct but he did not plan on leaving Fayette County. He said he and his wife wanted a weekend place in the mountains but he had no intention of doing what the Ognios were

suggesting. He said he was not a dishonest individual and he was not going to stand before the Board and make false statements as to what he planned to do. He said the idea was just like he had presented to the Board. He said the Ognios had wanted to purchase the land for a long time. He said he had told them if he ever sold the land he would give them the first opportunity to buy it. He said he knew they were disappointed whenever that was not going to come about. He said he understood that Mrs. Ognio wanted the property for her two sons to build on.

Mr. King commented on the issue of five acre lots. He said he had gotten on Fayette County's website and gone to the maps portion. He remarked that all of the lots in his neighbor were not on five acre lots. He said 117 Grooms Road was on .90 acres which was less than one acre; 143 Grooms Road was on 2.9 acres; 153 Grooms Road was on 2.88 acres; 111 Grooms Road was on .60 acres; 126 Grooms Road was on 3.5 acres and the lot next door to this was on 1.5 acres. He remarked that on Porter Road there were numerous houses that were one acre, two acres, five acres and any multitude of lot sizes. He felt what he was requesting the Board to approve here was consistent with what was currently in this area. He said he did not plan to build house after house after house. He said he was requesting approval for the division of one lot into two lots. He said he believed the distance between the Ognio's home and their neighbor would be closer to that than a house next to them.

Mr. King commented on the issue of the water. He said he had searched the website for Georgia's groundwater resources. He remarked that on average Georgia received approximately 50 inches of rainfall each year which replenishes the water beneath. He remarked that he had spoken to the contractor who had installed his well to get more information on this issue. He asked this contractor what he was finding in the area. He said the contractor drills wells on land that was an acre and a half lots and there really had been no problem with that. He said the contractor stated that a well did have a life just like people. He said just because someone installed a well did not mean that it would last forever. He said there were several factors that could affect the flow on the well. He said Grooms Road was really sitting on Stone Mountain. He commented that approximately 50 to 60 feet down you would run into solid granite. He said this would vary as to when a crack would be found that had water. He said it was not like there was a pool of water down there that could be tapped in to. He said he really did not see the water situation as an issue. He said it was just a fact that a well would not last forever. He said he had no intention of "cutting and running."

Chairman Dunn pointed out that a telephone conversation between two people was none of the Board's business and Mr. King replied that he certainly knew that.

Mr. King said he had no intention of leaving the area and noted that his grandchildren lived next door.

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Chairman Dunn asked if anyone else wished to speak. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to deny Petition No. RP-037-06, discussion followed.

Commissioner Pfeifer remarked that the basis for the denial was that this was a subdivision that was already platted and there were already other people living in the area who purchased or built their homes on what they perceived to be the existing lot sizes. He said the County had a history of not approving divisions within subdivisions and he felt this request came within that purview. He said it had been pointed out that there were some lots in this area that were smaller and that was certainly not an unusual situation given the way the County developed many years ago and the way zoning had changed over a period of time. He said the area consisted predominantly of much larger lots.

Commissioner Wells remarked that unfortunately she had to second the motion for denial. She said her heart went out to the Kings who purchased this land back in 1972 because it was zoned R-70. She said Fayette County had changed and it no longer complied with the comprehensive plan. She said the County had made a decision to try to limit the density of subdivisions and the small lot sizes in that part of the County. She said she could understand Mr. King's frustration when in 1972 the property was zoned R-40 and there were expectations that everyone would have large lots. She said the problem for her was when this was platted a subdivision in 2002. She said if the property was just owned as land and then it was decided to break it up into smaller pieces for R-40, then that would not be such a big deal. He said this Board had been very consistent in that once a subdivision was built, platted and was established it was considered completed. She noted that this property was currently a subdivision and platted in 2002 but the only people living there were the Kings and their son. She said there was another house that someone was renting and living in. She said in essence legally this was a subdivision and the Board's standard had been that once it was finally platted, created and built that people were not allowed to go back in and change the lot size. She said she certainly understood the Kings' frustration and the expectations of the neighbors. She said she was glad the Board had been consistent in their decisions because this would have been a really hard decision if it had not been.

Chairman Dunn said for the Board to make a change in a platted subdivision would be the hardest thing it could do. He said the Board had held to this consistently in the past. He said surrounding land owners had made a decisions on their land based on what they felt the future would be. He said this Board ha consistently been very tough on this issue. He said he would have to agree on the motion to deny because he did not see any compelling reason that should change this area for the people who lived there.

Commissioner Frady said he felt pretty much the same way. He said once a subdivision was platted it would be very difficult to change the property lines. He said there would

certainly have to be other reasons for that. He said he would like to help the Kings out but he just would not be able to.

The motion carried 4-0.

PETITION NO. 1164-06:

Director of Community Development Pete Frisina read Petition No. 1164-06, Barbara J. Johnson, Owner, and Ed Johnson, Agent, request to rezone 27.644 acres from A-R to R-50 to develop a proposed subdivision consisting of 22 single-family dwelling lots. He said this property was located in land Lot 255 of the 13th District and fronted on Hill Road. He said the Planning Commission recommended denial of R-50 and approval of R-70 (4-1) and Staff recommended denial of R-50 and approval of a two (2) acre zoning district.

Ed Johnson said he was the applicant for the petition. He said he was requesting approval to rezone this property from A-R to R-50. He said he and his wife had lived their approximately 28 years. He remarked that the plan for this area was one to two acres and their request complied with that.

Commissioner Frady remarked that he had a document in his packet that indicated originally that R-75 was requested. He said this was indicated on the affidavit included in his paperwork.

Mr. Johnson replied unless there was a mistake that was incorrect.

Commissioner Wells agreed that the affidavit indicated that R-75 was originally requested.

Mr. Johnson remarked that he recalled his wife had made a mistake and then they had come back at the last minute and redid it.

Mr. Frisina interjected that the petition in his possession did have some white out on it and R-50 was filled out on the front of the petition. He said it could be that every page had not been corrected. He said the application was requesting R-50.

Chairman Dunn asked when this had been changed.

Mr. Frisina replied that when the applicant had brought this in the mistake was found and it had been changed. He said the applicant was requesting R-50.

Chairman Dunn asked Mr. Frisina if his office had processed the request for R-50 and Mr. Frisina replied yes, and noted that it was advertised for R-50.

Chairman Dunn asked if anyone wished to speak in favor of this application. Hearing none, he asked if anyone wished to speak in opposition.

Jan Grogan said she lived at 100 Thorne Ridge Trail in Fayetteville. She said her home was located on the corner of Hill Road and Thorne Ridge Trail. She said she had purchased the property in September of 2001 after moving from the other side of Fayette County because she wanted to be able to ride her horses and to enjoy five or more acres. She noted that she and her neighbors all have five or more acres of property. She said she wanted to enjoy a country style life to help her recuperate from her very stressful job as a Vice President of a Japanese trading company. She said she was extremely concerned about this petition to rezone property less than five acres which was the preponderance of the acreage enjoyed by she and her neighbors currently have. She said she was also extremely concerned about the fact that if this petition was approved for less than five acres, houses less than 3,000 square feet, which is the average of the homes surrounding her, would be built which would make and cause tax issues with regard to her home and her neighbors' homes. She said all of these homes were valued at \$500,000 and more. She said she was also extremely concerned about the overall integrity of this neighborhood and having a subdivision built at the end of Hill Road. She said at the time she purchased her property this was a turn around court area. She said she had never seen plans nor had she seen Mr. Johnson display any plans this evening with regard to how he was proposing to develop this property. She remarked that overall this was a very beautiful country setting and she and her neighbors all take great pains to ensure that they keep their property values as high as possible. She said he hoped that this Commission would deny this proposal. She said if this Commission was considering approval, that R-80 might be considered which had been proposed by one of her neighbors at the last meeting.

Nancy Jones, 190 Hill Road, Fayetteville said she had lived there almost as long as Mr. and Mrs. Johnson. She said at that time this was a dirt road. She remarked that the property across the street from her was not developed at the time and it consisted of sixty acres that belonged to the Hill family. She stated that Mr. Johnson had purchased that property and built the subdivision of five acre plots and more. She said now that he had moved out of Fayette County he wanted to sell his property. She said this would leave a neighborhood of two acre plots which would increase the traffic tremendously. She said the traffic problem was her concern. She said she had not seen anything on paper as to how this property would be developed. She felt there could be a road built through over to Kite Lake or West Bridge and that would make an easy cut off to get to S.R. 92 to go through Hill Road.

Chairman Dunn interjected that he had heard the issue of a road going through this property before. He asked that the plat be displayed on the overhead so that everyone could see the proposal. He asked Ms. Jones if she lived in the subdivision on Thorne Ridge.

Ms. Jones replied no she did not. She said they lived across the road from Thorne Ridge on a five acre lot. She said the only subdivision in that area was Thorne Ridge.

Chairman Dunn asked Ms. Jones what her concern was.

Ms. Jones replied her concern was the traffic. She said if there were 22 homes proposed for this project then there would be at least two vehicles per home. She asked if these vehicles would be cutting through to either West Bridge or Kite Lake.

Chairman Dunn replied no. He said this would go around the area and come back out.

Ms. Jones said they had not seen the plans and were not sure.

Chairman Dunn asked if anyone else wished to speak in opposition.

Lee Carlson said he and Ms. Grogan had purchased their property because of the serenity around the area. He said in looking at this plat, the new one was supposed to be two acre lots with eleven homes.

Chairman Dunn interjected that this was only a recommendation. He said Mr. Johnson was applying for 22 homes.

Mr. Carlson asked if the roads were going to be widened in order to get into the subdivision. He said the current road was not wide enough for two cars to travel side by side.

Chairman Dunn remarked that the road would go directly through the end of the cul-de-sac.

Mr. Carlson asked what the average size of these homes would be.

Commissioner Wells said the applicant could address that in his closing remarks.

Mr. Carlson felt this would be a devaluation of his property and not an increase in value. He said his taxes would also increase. He remarked that the continuity was just not there. He asked if these one acre parcels were going to have their own septic fields and wells or tied into a city sewer system.

Chairman Dunn interjected that there was no city sewer in that area.

Mr. Carlson commented that a one acre parcel was not a lot of land to build a home, well and a septic tank on.

Chairman Dunn remarked that Mr. Johnson would address these concerns.

Commissioner Frady remarked that a home in R-50 zoning would be a 2,100 square foot home minimum.

Mr. Carlson asked what the minimum size home would be located in R-80 zoning.

Chairman Dunn said the homes in R-80 would be a minimum of 2,500 square feet.

Mr. Carlson suggested rather than having 22 homes there could be 11 homes with more square footage on 2.5 or 3 acre lots. He said their concern was the possibility of their home being devalued because of the smaller homes coming in and the widening of Hill Road. He said the widening would be a definite because of all of the traffic and the construction trucks coming in and out would destroy the roads. He said his two horses would be within approximately 70 feet of Hill Road. He noted that with larger pieces of property there would be less traffic. He asked for the Board's consideration in denying this request. He said he was opposed to this request and also opposed to the R-50 zoning as well as the R-70 zoning and he would like to see larger homes and more acreage such as five acre parcels.

Judy Chastain said she lived around the corner on New Hope Road. She said she wanted to give support to her bordering neighbors. She said she was certainly opposed to R-50 zoning and was concerned with the density. She said she realized the growth in North Fayette County was increasing and it was her desire to keep it somewhat at a minimum if at all possible. She said she was opposed to the R-50 zoning, the density, the infrastructure, the concern for the well water, sewerage, the runoff and that sort of thing. She pointed out that there was mainly A-R zoning around her and R-70 as well. She said there was a one acre subdivision located directly off S.R. 92 that was built ten to fifteen years ago. She said she would like to keep the growth in this area at a minimum if at all possible.

Chairman Dunn asked if anyone else wished to speak in opposition. Hearing none, he asked Mr. Johnson if he would like to address any of these questions or remarks.

Mr. Johnson remarked that Rustic Mill subdivision backed up to this property which had several one acre parcels. He noted that the house that actually bordered the property was sitting right on the building line. He remarked on the concern for the well and septic tank combination and said that there was county water on the road there. He commented on the quality of the neighborhood. He said he was not going to say tonight that he would be the one developing the property because he did not know what tomorrow might bring. He said everything that he had every done had been really nice and he had no intention of building crummy houses. He said anyone was just one heart beat away from not being here tomorrow and he could not say definitely that he would be the one to build. He said he did know if he was the person to develop the property, it would be done first class. He addressed the concern of a cut thru. He noted that there would not be a cut thru. He said that was a preliminary plat.

Chairman Dunn interjected that the road would come up on Hill Road because there was no other way in or out of the subdivision right now.

Mr. Johnson agreed and remarked that his wife's family owned the land to the West and Northwest of the property.

Chairman Dunn remarked that Ed Johnson had been building homes in Fayette County for many years and he was one of the builders with a very good reputation. He said if Mr. Johnson built something, it would be very nice. He said he had a question on the plat that Mr. Johnson had provided to the Board. He said Mr. Johnson had named the property Rustic Mill Section II. He said the property in question did not belong to Rustic Mill and was not part of Rustic Mill. He asked Mr. Johnson for clarification on this name.

Mr. Johnson replied that this was a failure to take this off the plat. He pointed out that there was not Rustic Mill Section II. He noted that this proposal was just preliminary and he really did not know that this would have been an important factor or he would have had it removed.

Chairman Dunn noted that directly under that verbiage it stated Rustic Mill Section II Phase I. He asked where Phase II and Phase III were located.

Mr. Johnson replied that he did not know if the consultant had put this on the wrong part of the plat or what. He said he had submitted this and it was done on the last day at the last minute. He said this was very preliminary and that plat would have several changes.

Chairman Dunn remarked that also on the plat just outside of Mr. Johnson's land there was a temporary turn around on somebody's else's land.

Mr. Johnson responded that he thought that had been taken out and noted that was actually on some of the family's land. He said that would definitely not be there and would probably be brought back to the last two corner lots. He said there was no other phase for Rustic Mill.

Chairman Dunn asked for the Board's pleasure in this matter.

Commissioner Wells asked Mr. Frisina for clarification that this property was zoned A-R but land used what.

Mr. Frisina replied that the property was land used low density residential with one unit per one to two acres.

Chairman Dunn asked if what Mr. Johnson was asking for did comply with the Land Use Plan.

Mr. Frisina replied yes it would comply.

Chairman Dunn remarked that one of the citizens who spoke addressed the issue of having R-80 zoning which would be a three acre lot. He noted that R-80 zoning would not comply with the land use for that area and the Board would not be able to approve that.

Commissioner Wells said she would like to make a motion.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to deny Petition No. 1164-06 for R-50 zoning but approve Petition No. 1164-06 for R-70 zoning, discussion followed.

Commissioner Frady said he had spoken to Mr. Frisina about this today. He noted that the house that was the closest to this property was 2,957 square feet and a house in R-75 would be 2,500 square feet. He said he would like to amend the motion to be approved for R-75 zoning.

Commissioner Wells said she would like to withdraw her motion.

Commissioner Pfeifer interjected that he would withdraw his second to her motion.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to deny Petition No. 1164-06 for R-50 zoning but approve Petition No. 1164-06 for R-75 zoning, discussion followed.

Commissioner Wells remarked that this would make a nice step down from the R-45 zoning to go from the one acre to the two acres over to the five acres. She said this was not a perfect solution but she felt it did address some of the issues that the citizens were concerned with. She said it was just unfortunate that ten years ago that this subdivision for R-45 zoning was platted there. She felt this was a bad position to place a subdivision of that nature because the lot size was not in keeping with what was envisioned for that area.

Chairman Dunn said he felt the 2,500 square foot house would address some of the concerns about smaller homes being built.

The motion carried 4-0. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1164-06, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

Chairman Dunn clarified that this would be approved for R-75 zoning with a minimum of 2,500 square foot homes and there would be approximately 11 homes.

PETITION NO. 1165-06:

Director of Community Development Pete Frisina read Petition No. 1165-06, Fayette Center Pointe, LLC, Owners, and Joel Ogletree, Agent, request to rezone 5.045 acres from A-R to O-I to develop a Church. This property is located in Land Lot 58 of the 7th District and fronts on S.R. 54 West and Flat Creek Trail. He said the Planning Commission

recommended approval subject to three (3) conditions, two (2) staff conditions and one (1) proposed by the applicant and Staff recommended approval subject to two (2) conditions.

Chairman Dunn remarked that yesterday the Board had received a request from the developer Mr. Ogletree to withdraw this petition completely. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

On motion made by Chairman Dunn, seconded by Commissioner Wells to accept the withdrawal request received by the Board of Commissioners from the applicant for Petition No. 1165-06. The motion carried 4-0. A copy of Ordinance No. 1165-06 and Resolution No. 1165-06 confirming the withdrawal, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

PETITION NO. 1166-06:

Director of Community Development Pete Frisina read Petition No. 1166-06, Colleen M. and Jerry O. Jones, Owners, and Jerry Jones, Owner, request to rezone 6.850 acres from A-R to R-70 to be added to Bellfair Walk Preserve Subdivision. He said this property was located in Land Lot 229 of the 4th District and was landlocked property off McBride Road. He said the Planning Commission recommended approval subject to two (2) conditions, one (1) staff condition and one (1) proposed by the applicant. He remarked that Staff recommended approval subject to one (1) condition.

Randy Boyd remarked that he was the agent and represented Colleen and Jerry Jones who were the owners of this 6.850 acre tract. He said this tract was currently zoned A-R and the request tonight was for the property to be zoned R-70 and added to the Bellfair Walk Preserve Subdivision. He said that subdivision request was discussed by the Board on September 22, 2005. He said there was another preliminary plat that was approved on December 1, 2005 consisting of 32 lots. He remarked that the proposal was for 34 lots on the addition of property. He noted that the net density was still 2.44 which was consistent with the Land Use Plan. He remarked that staff had recommended approval and the Planning Commission recommended approval with a 4-1 vote. He said he felt this would be a good addition and would fix the first preliminary plat that had been turned in that had already been approved.

Chairman Dunn asked if anyone wished to speak in favor of this application. Hearing none, he asked if anyone wished to speak in opposition

Tim Thoms, 625 McBride Road, Fayetteville said he lived directly across the street approximately 20 feet to the right of the entrance to the proposed development. He said he lived, worked, home schooled and farmed at that address. He said he wanted to say that he wished the petitioner no ill will. He said one of the developers of the property was in the home school group and he considered him a friend. He remarked that this project would be across the street from him and he would have to live with it. He said as Mr. Boyd

had stated previously, this was similar to the approval that the Board had made this Fall when it turned down the initial request from the petitioner for C-S and then made a motion to approve R-70. He said he still did not understand or agree with that zoning approval. He said at that time the request was for a 32 lot project. He noted that some of the Commission members felt the developer would not be able to build on all of the lots. He felt that had come to fruition tonight in what Mr. Boyd had explained to the Board. He said his thoughts were that two acre lots were still not in keeping with the use or character of the area. He said the Land Use Plan did state that two acre lots would fit there. He remarked that the Land Use Plan also stated that one must take into consideration the character and integrity of the area that the development was going in. He stated that he had lived on McBride Road for ten years and the character and integrity of that was a rural residential area with farm land with people living there on mostly five acre tracts. He said the tracts that were smaller than five acres went in ten years or more.

Mr. Thoms remarked that there had been a recent rezoning there during the Summer where someone rezoned R-70 back to A-R for a larger lot. He felt that was a better indication of what was occurring on McBride Road. He said with that said the Board had already approved Zoning for R-70 but that did not necessarily mean that the additional rezoning tonight needed to be approved. He urged the Board to deny this request based on the fact that the two acre lots were not in keeping with the land use of surrounding properties or property owners. He said there were some site distance problems. He said even with the addition of two lots a burden would be added onto the infrastructure of not just McBride Road but also Georgia Highway 85 South. He said the citizens in that area had already encountered actions by the developer with mud in the street, grading and hauling operations done without a land disturbance permit posted, and no soil erosion measures in place. He said he was concerned with that indication of activity and the care and integrity that would be done. He said he agreed with Mr. Boyd that this would be a very sensitive area. He said this would be a mostly hilltop development and at the bottom of the plan there were wetlands and there were some sensitive areas there. He asked for the Board's consideration in not approving this request but if the Board felt like it must approve it, that there should not be more than 32 lots in this subdivision. He said he agreed with Commissioner Frady that an applicant should get as many lots as possible when a subdivision was originally platted and not come back later asking for more.

Scott Gilbert, 591 McBride Road, Fayetteville said that he was opposed to this rezoning request for the same reason that the vast majority of the area residents were opposed and that was the traffic. He said residents were still not able to make a left hand turn in the early morning, middle of the day or late afternoon onto S.R. 85 from Harp Road or McBride Road. He said sometimes in order to get to school on time they have to go three or four miles out of the way and make a long trip. He said the traffic was not only congested but it was not getting any better. He said there was a steady stream of cars from downtown Fayetteville all the way past his house. He said a few months ago the Board denied a goat farmer being in the middle of a residential area and now questioned this type of

development coming into the middle of a goat farmer, a tree farmer, and a horse farmer's area.

Walter Ivey, 506 McBride Road, Fayetteville remarked that he had been unable to attend the Commission meeting where the owner of the property, Mr. Hernandez, had petitioned the Board to allow his goat farming on McBride Road. He said he thought there had been a mistake on the County's website when he saw that this request had been denied. He said some of the surrounding residents had looked into the legality of the action the Board took and obviously it was legal but he felt the Board's decision bordered on unethical in his opinion. He asked the Board members how they would feel if he went to their neighborhoods and made a decision as to what he wanted in their neighborhoods.

Chairman Dunn interjected that this was a discussion about that the new addition to the land and not the old decision that was made by the Board.

Mr. Ivey said he felt the Board had two jobs here. He said he felt the Board members had a duty to comply with the Land Use Plan and also to represent the people who elected them. He said he did not feel like the Board was doing that especially with all of the residents coming from the McBride Road area saying that they do not want this development. He said he just wanted to encourage the Board not to add anymore development in that area. He said this area could not handle it. He said it was not safe right now for anyone walking on the streets there and with all of the construction equipment it would be even worse. He said his family had owned their land since 1965 and they wanted it to remain rural.

Chairman Dunn asked if anyone else wished to speak in opposition. Hearing none, he asked if Mr. Boyd had any rebuttal comments.

Randy Boyd remarked that he had not stated that the lots could not be built on but it was a fact that the lots were tighter by having to provide a space for a house, a septic tank and an alternate septic tank. He said the preliminary plat had been approved and petitioner was ready to develop it as it currently stands. He said the preliminary plat for the first submittal was approved and petitioner would develop it in that manner in the event that this Board chooses not to zone this property.

Commissioner Wells questioned the size of the "tighter" lots.

Mr. Boyd responded that the lots were all over two acres. He said he was just talking about the building envelope between the building lines and the building line off of the wetlands. He said this was the building envelope that they could put their building in and septic tank. He said this was the issue that he had been concerned about. He called the Board's attention to the new design and remarked that there was much more area that could be built in. He said there would just be one house added because the 6.850 acre tract would allow for one house on it already. He said the applicant was requesting just an addition of

one more house over what could be built there under the current zoning. He said this would clean up a much nicer situation. He remarked that this was an environmentally sensitive area with all of the wetlands. He said the applicant had pulled the road off of that and given more area that would be protected before getting to the wetlands.

Commissioner Frady asked why this had not been included in the original plan for this subdivision.

Mr. Boyd replied that he did not feel that the applicant was aware that it was available. Commissioner Frady questioned if the applicant had purchased the property since that time.

Mr. Boyd replied the applicant had not purchased it yet but this would help correct these tight lots and helps push the road further away from the wetlands.

Chairman Dunn remarked that in the Planning and Zoning Board meeting it was said that there were potential septic problems on these seven lots.

Mr. Boyd responded that was due to the fact that these lots were so close to the wetlands.

Chairman Dunn clarified that there was a problem with these seven lots.

Mr. Boyd replied yes that was correct. He said this was the reason he had made the suggestion to Brad Humber that it would be better to push the road further away.

Chairman Dunn said he would agree.

Mr. Boyd said he wanted the Board to know that he had not done this work. He said he was just making suggestions to a friend.

Chairman Dunn said it was still not known if two septic fields would fit in on some of these lots.

Mr. Boyd said there was a level III soils analysis and those suggested that there was enough room. He said the alternate system would probably be closer to the wetlands if it was put in the rear of the lot and the primary system would be located in the front of the lot.

Chairman Dunn pointed out that lot #21 looked awfully tight and Mr. Boyd agreed.

Chairman Dunn said it made sense to him if some property could be added and move the subdivision.

Mr. Boyd interjected that was what was done.

Chairman Dunn remarked that his problem was in adding houses. He said he was struggling with that issue. He said he did not mind including the land so that the subdivision could be redone to ensure that the seven lots could be built. He said he did not think he could support this request if houses were added to this subdivision.

Commissioner Frady asked if the new land was landlocked land.

Mr. Boyd responded according to the family the answer was yes. He said this would clear that up. He said the intent of asking for the two extra lots was to help with the applicant's financial burden of adding the six acres.

Commissioner Frady remarked that an application should get as many lots as they could in a subdivision when it was originally platted than to come back later and request more lots unless there was a compelling reason such as landlocked land.

Chairman Dunn asked for the Board's pleasure in this matter.

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to approve Petition No. 1166-06 to rezone 6.850 acres from A-R to R-70 to be added to Bellfair Walk Preserve Subdivision with two conditions and amend the second condition to maintain the number of houses at 32 for the subdivision, discussion followed.

Chairman Dunn asked Attorney Davenport if the Board could impose the number of lots for this subdivision or would it have to be self-imposed.

Attorney Davenport said this could be a condition of the rezoning because the intent would be to add it to a current subdivision.

Mr. Frisina interjected that there was an existing condition that came about in the Planning Commission meeting that was self-imposed by the petitioner to limit the subdivision to 34 lots. He said the Board could amend that condition to be a maximum of 32 lots.

Chairman Dunn clarified that the motion also included the fact that there would be a maximum of 32 lots in the subdivision. He said this would allow this acreage to come into the subdivision and keep the number of building lots the same at 32.

Mr. Frisina remarked that the other condition was that this be combined with the Bellfair Walk Preserve Subdivision by way of a Revised Preliminary Plat and the Board agreed with that.

Commissioner Frady remarked that there was no way that this Board could guarantee any land being suitable for a septic tank. He pointed out that some land might not perk. He said if a subdivision had 40 lots there might only be 37 lots suitable for septic tanks.

Chairman Dunn noted that the addition of the 6.850 acres would make it a lot easier for these lots to have two septic fields and also make this a prettier subdivision.

Commissioner Pfeifer said he agreed with these comments entirely. He said he would have preferred this zoning as R-80.

Chairman Dunn remarked that he had been on this Board for almost eight years and tonight was the first time anybody in the audience had ever questioned the ethics of this Board.

Commissioner Wells said she would also like to address the comment made previously by Walter Ivey of this Board being less than ethical. She felt there was a misunderstanding. She said Mr. Ivey had referenced the fact that this Board had been following the Land Use Plan and the zoning in some of the previous discussions. She said she would like to encourage Mr. Ivey to get a copy of what the land use was for that particular area. She said it was land used and was zoned as A-R but it was land used as rural residential which would allow one unit for every two to three acres. She said this was definitely right in line with what the Board had already land used. She said for Mr. Ivey to insinuate or to blatantly state that this Board was being unethical or perhaps ignorant in making the decision that had been made in rezoning this property, she took a great deal of issue with. She said this Board does a lot of research before coming to a meeting and there was not one unethical bone in any of the Commissioners' bodies on this Board. She said she could appreciate the fact that Mr. Ivey did not like the decision. She said there were also a lot of things in this world that she did not like but she certainly tries to make sure that she would not offend someone by calling them unethical or perhaps dishonest.

Commissioner Wells further remarked that this decision was well within the Land Use Plan and it was well within what had been planned for that area. She said the lots were going to be approximately 2.44 acres and actually by adding the six acres might turn out to be more. She said this was right in line with the two to three acres per unit. She said it was unfortunate that Mr. Ivey did not like it but it was equally unfortunate that he would say that this Board was unethical in doing something that he did not like. She said every Board member takes a great deal of responsibility in representing the citizens of Fayette County. She said it was unfortunate again whenever someone did not like what action this Board might take but it did not mean that it was illegal or unethical.

Mr. Ivey interjected that he would like to apologize to the Board for his comment. He said he did not mean to accuse the Board of being unethical.

Commissioner Wells encouraged Mr. Ivey to review the Land Use Plan and he would determine that the Board did make the right decision.

The motion carried 4-0. A copy of the recommended conditions, Staff's Analysis and Investigation, identified as "Attachment No. 5", follow these minutes and are made an

official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1166-06, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY SUBDIVISION REGULATIONS REGARDING SECTION 5. THE SUBDIVISION PLAT AND SECTION 6. MINIMUM DESIGN STANDARDS:

Director of Community Development Pete Frisina remarked that this item concerned proposed amendments to the Fayette County Subdivision Regulations regarding Section 5. The Subdivision Plat and Section 6. Minimum Design Standards as presented by the Engineering Department. He said the Planning Commission would discuss this item at the 2/16/2006 workshop and would be placed on the 03/02/2006 Planning Commission public hearing agenda.

Chairman Dunn remarked that this item would appear on the March 2, 2006 Planning Commission public hearing agenda for further discussion.

ORDINANCE NO. 2006-03 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, A. S.R. WEST AND S.R. 74 SOUTH OVERLAY ZONE, 6. LANDSCAPING REQUIREMENTS, A. STREET FRONTAGE; B. S.R. 85 NORTH OVERLAY ZONE, 6. LANDSCAPING REQUIREMENTS, A. STREET FRONTAGE:

Director of Community Development Pete Frisina remarked that this item was for consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West and S.R. 74 South Overlay Zone, 6. Landscaping Requirements, a. Street Frontage; B. S.R. 85 North Overlay Zone, 6. Landscaping Requirements, a. Street Frontage; and C. General State Route Overlay Zone, 7. Landscaping Requirements, a. Street Frontage. He said the Planning Commission recommended approval 5-0.

Director of Engineering Phil Mallon asked for the Board's consideration in approving a change to the transportation overlay. He said the overlay required a 50 foot landscaped strip along State routes. He remarked in the past the County would allow detention in that area and that was changed to prohibit detention ponds. He said he was coming before the Board tonight to respond to some of the new stormwater management requirements that the County had addressed and adopted last summer.

Commissioner Wells said according to her notes septic systems can be placed in the back 25 feet of the 50 feet.

Mr. Mallon replied yes that was correct. He said septic tanks could be located back there and also detention ponds. He said he was proposing to help meet the objectives of the new stormwater management manual. He said it really promoted a better site design using a lot of green areas and alternative treatment methods. He said in particular there were five items that included vegetated channels, overland flow filtration areas, enhanced swales, filter strips and grass channels. He pointed out that overland flow filtration and filter strips were really intrinsic to that being a landscaped strip. He said he did not feel that this would impact the aesthetics or the quality of the design but in fact would enhance it. He felt enhanced swales were the single most effective means of meeting the new criteria and minimizing impacts visually to the lot. He said anything that the County could do to promote those was in its best interest.

Chairman Dunn questioned the minimum distance of separation between wastewater and stormwater structures shall be established by environmental health and the County Engineer. He asked if this was on a project by project basis or at some point in the future.

Mr. Mallon replied that this would be on a project by project basis. He said because it would vary as a function of which the stormwater controls were proposing certain ones might not have any need for separation.

Chairman Dunn asked if anyone wished to speak in favor or in opposition to this item. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A., S.R. 54 West and S.R. 74 South Overlay Zone, 6. Landscaping Requirements, A. Street Frontage; B. S.R. 85 North Overlay Zone. 6. Landscaping Requirements, A. Street Frontage; and C. General State Route Overlay Zone, 7. Landscaping Requirements, A. Street Frontage. The motion carried 4-0. A copy of Ordinance No. 2006-03, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2006-04 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-17. O-I, OFFICE-INSTITUTIONAL DISTRICT, F. DIMENSIONAL REQUIREMENTS, 7 HEIGHT LIMIT:

Director of Community Development Pete Frisina remarked that this item for the Board's consideration was for proposed Amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-17. O-I, Office-Institutional District, F. Dimensional Requirements, 7. Height limit, a. as presented by the Planning & Zoning Department. He said the Planning Commission recommended approval 5-0. He stated that this was a housekeeping item. He said within the zoning district of O-I it referred to a definition that was listed as Article III, Section 3-12 when some definitions had

been inserted this one was moved down two slots and the now corrected definition should be 3-14.

Chairman Dunn asked if anyone wished to speak in favor or in opposition to this matter. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VI. District use Requirements, Section 6-17. O-I. Office-Institutional District, F. Dimensional Requirements, 7. Height Limit, a. The motion carried 4-0. A copy of Ordinance No. 2006-04, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

CONSENT AGENDA: Commissioner Frady requested item no. 1 be removed for further discussion. Commissioner Wells requested item no. 10 and item no. 13 be removed for further discussion. On motion made by Commissioner Wells, seconded by Commissioner Frady to approve consent agenda item nos. 2, 3, 4, 5, 6, 7, 8, 9, 11, 12 and 14 as presented. The motion carried 4-0.

PURCHASING DEPARTMENT: Approval of request from the Director of Purchasing Tim Jones to award Bid #535 to Briggs Construction Company for a loader/backhoe for the Water System in the amount of \$47,300 with a \$10,000 trade in allowance making the net bid \$37,300. A copy of the memorandum, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

Commissioner Frady remarked that he had requested this item to be removed because the R.F.P. asked for a 90 horsepower engines on the backhoe. He said the bid that was sent out called for a 90 horsepower engine was \$10,000 more than an 89 horsepower engine. He questioned why it would cost \$10,000 for just one additional horsepower.

Chairman Dunn asked Finance Director Mark Pullium to explain this issue.

Mr. Pullium remarked that it would not be proper to award this bid for 89 horsepower because the bid did specify 90 horsepower. He said this would have to be sent out for a rebid. He pointed out that this Department did require the additional horsepower. He said this piece of equipment was going to be used at the Water System and needed the heavy equipment in order to do the job. He said he had noticed this when he first reviewed it and had discussed this. He stated in lieu of the Department's request, he presented it to the Board in its current form. He said he understood the Board's concern.

Commissioner Frady said he just could not understand why the County would have to pay almost \$10,000 for a one horsepower difference.

Chairman Dunn felt this should go out for a rebid.

On motion made by Commissioner Frady, seconded by Commissioner Wells that this item be sent out for a rebid. The motion carried 4-0.

DENIAL TO AMEND THE JAIL AGREEMENT WITH PEACHTREE CITY: Denial of request to amend the Jail Agreement with Peachtree City based upon state law provision. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

FAYETTE COUNTY PUBLIC FACILITIES AUTHORITY APPOINTMENTS: Approval of reappointment of Chuck Watkins, Jack Smith and Mary Shavers for another one-year term on the Fayette County Public Facilities Authority. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

PAVING OF SNEAD ROAD BETWEEN OLD GREENVILLE AND CHAPPELL ROADS: Approval to initiate the process for paving Snead Road between Old Greenville and Chappell Roads. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

PRE-DISASTER MITIGATION GRANT FOR ACQUISITION OF PROPERTY: Approval to submit Pre-Disaster Mitigation Grant Request to FEMA for the acquisition of property. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

JAIL BUDGET ADJUSTMENT - AUTOMATED EXTERNAL DEFIBRILLATORS: Approval of a budget adjustment increasing the Jail budget by \$5,000 as a result of a donation of funding to purchase Automated External Defibrillators (AED) units. A copy of the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

LIBRARY BUDGET ADJUSTMENT - PURCHASE OF BOOKS: Approval of a budget adjustment for the Library increasing revenue and expenditure accounts by \$2,000 to purchase books for "Books on Loan Program", zero net impact. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

BELLAMY STRICKLAND CHEVROLET - AUTHORIZED FOR ENGINE REPAIR ON MEDIC 5 AMBULANCE: Ratification of approval to authorize low bidder Bellamy Strickland Chevrolet to repair the engine in Medic 5 ambulance at a cost of \$10,392.68 plus any core charge up to \$1,904.14 with funds to come from the contingency fund. A copy of the memorandum, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

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SHERIFF TRAFFIC ENFORCEMENT DIVISION - REPLACEMENT OF VEHICLE:

Approval to replace 2002 Ford Crown Victoria #2FAFP71W72X155706 with 101,453 miles driven by the Sheriff's Traffic Enforcement Division. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

TAX COMMISSIONER'S OFFICE: Approval to transfer motor pool vehicle #95014 (1994 Crown Victoria) to the Tax Commissioner's Office.

Commissioner Wells requested further information on this item and it was the consensus of the Board that this item be tabled to the March 9, 2006 Commission meeting.

SHERIFF'S OFFICE: Approval to replace a 1996 Ford Crown Victoria #2FALP71W2TX199746 with 100,695 miles driven by the public Safety Division. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE: Approval to replace a 1996 Econoline Van #1FTFE24Y5THA15025 with 98,698 miles driven by the Public Safety Division. A copy of the request, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

1. Approval to replace 2001 Chevrolet Impala Vin #2G1WF52E519274499 with 98,000 miles driven by an investigator in the CID division.

Commissioner Wells requested further information on this item and it was the consensus of the Board that this item be tabled to the March 9, 2006 Commission meeting.

MINUTES: Approval of minutes for Board of Commissioners meeting held on January 26, 2006.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

DENNIS CHASE: Dennis Chase, 290 Crabapple Road, Fayetteville commented on the recent decision by the City of Peachtree City regarding the extension of sewer into the County. He said the point that was of the most significance was that during the mid 1990's and as late as 1999 when the permits were approved for the school complex, the Corps of Engineers required a mitigation package which included a 27 acre set aside and a deed restriction on all of the wetlands on the East end of the property. He said his first concern was that if there was going to be a sewer line crossing in or close to anywhere near this that there could be a possible violation of that mitigation plan. He said to that effect he had

hand delivered a letter to Dr. DeCotis' office this afternoon expressing his concerns that this not take place until every consideration be made to protect those wetland areas. He said after an investigation he determined that the sewer line was very likely to hook into the Eastern end of the property. He said this still did not mean that the impacts from running those lines in that development could not have a lot of impact on the 27 acres of habitat. He said he had asked the school to also consider as part of this and as part of the disruption and damage to the property that would likely take place when the sewer lines were hooked in would be to ask the developer to enhance those 27 acres. He said the set aside of the 27 acres for mitigation that was somewhat unusual for the Army Corps of Engineers. He said in this case they were convinced that this was a highly significant area for environmental education. He said as of now, nothing had been done to do anything to open this area up for environmental education. He said he had offered to help the Board of Education, if they would like help in laying out trails and possibly a boardwalk and environmental enhancement areas there. He said he just wanted to make the Board aware of this situation.

Mr. Chance said he would like to express one point of personal concern. He said his group was one of the very few that fought with the Peachtree City Water and Sewer Authority over the expansion of their capacity. He said now they were shopping around to get extra capacity from Senoia from anywhere else in the County that they could get. He remarked that he just wanted to give the Board this information. He said this was just one aspect that the Board would be seeing in the future. He remarked that the Peachtree City Water and Sewer Authority was not running efficiently right now because their system was meant to handle a lot more than what they were handling. He said they were currently looking for customers. He asked for the Board's support in protecting any area that might come up near this mitigation area.

CLAIRE ROGERS: Claire Rogers, 332 Fayette Villa Court, Fayetteville said she had discovered after spending a great deal of time going through the County's Zoning Ordinance that there was a huge loop hole that she was sure the County did not intend to have. She said it seemed that every zoning category has accepted uses and conditional uses. She remarked that the conditional uses were the ones that did not really fit. She said they were just put in and made to fit but the others make perfect sense. She said she had been told that unless someone was making a request for a change of zoning in addition to the change in use, that person could go straight to County Staff and get that decided right then and there by staff. She said it would never come to a public hearing and never comes before the Board of Commissioners. She remarked that this week she had intense conversations with the Staff in Planning and Zoning and she did believe to understand that to be true. She said a conditional use could be approved without a public hearing. She pointed out that other municipalities and counties did not do this that she personally knew of. She asked for the Board's consideration tonight to put an immediate freeze on any kind of conditional use agreements that have not been heard by the public and have not come before this Board. She asked for the Board not to allow this to be decided at the Staff level. She said the citizens elected this Board as their representatives

and they wanted the opportunity to have the privilege to speak in public. She said the citizens who live in this County knew the property a lot better than County Staff. She felt this was too much to put on County Staff to try to determine these complexities. She said this was a huge issue and she felt it should be addressed.

STAFF REPORTS:

WATER FRANCHISE AGREEMENT WITH THE TOWN OF TYRONE: Attorney Dennis Davenport asked for the Board's consideration in approving the renewal Water Franchise Agreement with the Town of Tyrone for a fifty year term. He said the current agreement between Fayette County and the Town of Tyrone was scheduled to expire on April 1st. He said Tyrone had received from County Staff a proposed renewal to the franchise for a fifty year term. He remarked that the Town of Tyrone had approved that renewal and this was before the Board tonight for consideration.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Water Franchise Agreement with the Town of Tyrone as presented. The motion carried 4-0. A copy of the Agreement, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: Attorney Dennis Davenport requested an executive session to discuss two legal items.

CHAIRMAN DUNN: Chairman Dunn commented on the recent action taken by the City of Peachtree City to extend sewer into the unincorporated County. He

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Frady to adjourn to executive session to discuss two legal items. The motion carried 4-0.

LEGAL: Attorney Dennis Davenport reported to the Board on a legal item.

The Board took no action on this matter.

LEGAL: Attorney Dennis Davenport updated the Board on a legal item.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that two legal items were discussed in executive session. The motion carried 4-0. A copy of the Affidavit, identified as "Attachment No. 21", follows these minutes and is made an official part hereof.

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There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:30 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of March, 2006.

Karen Morley, Chief Deputy Clerk