

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, October 24, 2002, 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
Peter Pfeifer
A.G. VanLandingham

COMMISSIONER ABSENT: Herb Frady

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
Carol Chandler, Executive Assistant
William R. McNally, County Attorney
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.

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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. 1098-02:

Zoning Administrator Kathy Zeitler read Petition No. 1098-02, Dr. Thomas Busey, Owner, and Rod Wright of PLD, Inc., Agent, request to rezone 158.233 acres from A-R to R-80 to develop a single-family residential subdivision consisting of 46 lots. She said this property was located in Land Lots 230, 231, 250, and 251 of the 4th District and fronted on Goza Road and Old Greenville Road. She said the Planning Commission recommended approval 3-0 subject to the recommended conditions and staff recommended approval with conditions.

Chairman Dunn said he wanted to point out that Commissioner Frady was absent. He said the petitioner had the right to have this petition tabled to when there was a full Board. He said this could be to the petitioner's advantage or disadvantage. He said the petitioner would need to make that decision before he proceeded.

Rod Wright, Agent for petitioner, remarked that they wished to proceed with the hearing. He said he was with Peach State Land Development who was the future owner and developer of the proposed subdivision. He said he had been a resident of Fayette County for approximately twenty years and planned to live here the rest of his life. He said he did not know of any other place that he would rather live. He said he also cared about the future growth of Fayette County. He remarked that he had been developing five acre tracts for five years on the south side of town. He said the price of land and development costs had driven five acre tracts to \$100,000 or more. He stated the tax bill on these five acre tracts were \$1,100 to \$1,200 per year. He said over the years he had talked and dealt with a lot of people and sold them land and built their homes. He stated some people do not wish to have five acres and wish to be on somewhat smaller tracts of land but do want to live on the south side of Fayette County. He said a lot of those people were already residents of the county. He pointed out that according to the reports from all of the departments the schools, water, and emergency services all say that this area could handle a subdivision of this size.

Mr. Wright further remarked that this subdivision would not be an exclusive one builder subdivision and would only allow local builders that use local subcontractors when possible so that the revenue could stay in the county. He said he was a believer in trying to keep money within the county. He said he accepted all of the conditions imposed by all of the county departments and would work with them to make this a nice community for all of the county residents to be proud of. He thanked the Board for its consideration in this rezoning request.

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Chairman Dunn asked if anyone wished to speak in favor of this action.

Theo Ridley, 123 Carolinas Way, Fayetteville remarked that he and his wife had lived in Clayton County for approximately the last twenty-five years. He said he would be retiring in the next couple of years and they had been looking very hard in the south end of Fayette County for some land in a small subdivision. He said in talking with Mr. Wright it seemed like this subdivision would be the ideal place for he and his wife to build their retirement home. He said he would prefer a three acre lot for several reasons foremost of which was the price. He said other than that would be maintenance. He said as he gets older he did not want a very big yard to have to mow the grass. He said in looking at other work this developer had done, he felt this would be the type of subdivision that they would like to retire in. He said he and his wife certainly did want to retire in Fayette County especially since they have children living here. He said he would like to see the Commission approve this request so that they would be able to purchase a three acre lot in this subdivision.

Chairman Dunn asked if anyone else wished to speak in favor. Hearing none, he asked if anyone wished to speak in opposition to the request. He asked everyone who was opposed to this petition to stand up. He asked how many of the people standing wished to speak at the podium. He announced that three indicated they would like to speak.

Walter Ivey, 506 McBride Road, Fayetteville said he would like to bring up three issues. He said the first issue was traffic. He said the traffic was just incredible coming up Jimmy Mayfield and Antioch Road. He said it already took twenty to thirty minutes to get through the City of Fayetteville. He said Fayetteville just could not take anymore traffic. He said he used to ride his bicycle down Antioch Road in the morning and this was impossible now with so much traffic. He remarked that the speed limit was 45 miles per hour but the average speed was approximately 60 miles per hour. He said he had some friends who live in Chanticleer Subdivision and it was impossible to come out of that subdivision and turn left back toward his house now because of the traffic. He felt more homes would cause more traffic and congestion was already bad.

Mr. Ivey further remarked that he was aware of the fact that more houses were going to be built here. He said more homes were going to cause the millage rate to increase even more. He said Fayette County used to be within 2/100's of a percent of the maximum millage rate for schools in the county.

Chairman Dunn interjected that this was no longer true and Mr. Ivey agreed.

Mr. Ivey stated that he had built his home and it was instantly assessed at 62% higher than what it had cost him to build it. He said the reason this was done was because they had to get the revenue for the schools. He said he felt this was unfair to have his house assessed at 62% more than it had cost him to build it. He felt the tax burden was too much in Fayette

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County and he had not even budgeted for that. He said when he built his house he could not believe what they said it was worth.

Mr. Ivey commented on his third and final issue and that was water quality. He said his daughter had done a science fair project in school. He said she had chosen water quality. He said they live near Shoal Creek. He said when he had built his home he had to prove that his septic tank would be 450 feet or greater distance from the creek. He said he had to have an engineer come and prove that it would be. He said after that they allowed Harbor Lakes Subdivision to be built and this subdivision was allowed to dam up the head waters there. He said this should never have been done and commented that this was a colossal mistake. He said this was a main tributary and this should never have been done. He said he did not know how this was passed. He said his daughter had tested the water quality. He said she had gotten a pH level of .3 milligrams per liter. He said he had a URL if the Board wanted it to verify the research and test samples. He stated that the maximum recommended level for rivers and streams was .1. He said Fayette County was triple that figure. He said the recommended was .03 and the county's reading was ten times the recommended level.

Mr. Ivey further remarked that he had a list of things that occur when the levels get above .1. He said fish eggs would hatch but deformed young were often produced. He said carp would die within five days. He said this information pertained to the Phosphate levels. He pointed out that a lampre fish that he had found in the creek several years ago. He said this was a protected species but now it was gone and no longer in the stream. He said the oxygen level had gone to a point in that creek and they had died. He stated that Shoal Creek runs into Whitewater Creek and then on down to the Flint River. He remarked that his kids used to catch craw fish in that creek and there were no longer any of those in the creek. He said they also used to catch creek chub and they had also disappeared. He said the water used to be clear and one could see the bottom. He said now you could not see your hand two inches below the surface. He said this was because of the septic tank runoff. He said his daughter had also tested the pH level and it was at 6.5%. He said the maximum for any of these levels for all of the fish was 5.0%. He said the three issues that he would like to bring up were the traffic, taxes and the water quality. He pointed out that this lane would run off into an unnamed tributary kind of like a wet weather creek that runs into Shoal Creek. He said some of it would also go South to Goza Road. He said this all related to fertilizers and septic tanks. He said the pH level related to the septic tanks and the Phosphates related to the fertilizer.

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

David Richardson, 701 Goza Road, Fayetteville said he agreed with everything that Mr. Ivey had said. He said a new school had already been built in that area. He said his daughter-in-law was a teacher and she said the schools were already full. He said he did not think there needed to be anymore students in the schools. He said the roads were also full of people and the grounds were going to be full of septic tanks and the water would be draining down.

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John Kimbell, 723 Goza Road, Fayetteville said he had lived there for approximately twenty-eight years. He said he had purchased the five acre tract and everything surrounding his property was five acre tracts, ten acre tracts and more than that. He said he loved the community. He said the traffic had increased tremendously as previously stated. He said he would really like to keep this area as a five acre or greater community. He said he appreciated the Board's consideration for the citizens who had already lived there for forty years to be able to enjoy life on their five acres or larger.

Tim Thoms, 625 McBride Road, Fayetteville remarked that his home was approximately two miles from the proposed development. He said he had moved to Fayette County to maintain the rural atmosphere. He said the impact of this proposed subdivision would set a precedent again to allow heavier development. He said this subdivision would impact his family and the rural atmosphere that they had come to appreciate here in Fayette County. He cautioned the Board against allowing the maximum density on the south side of this step down area coming from south Fayetteville. He asked for the Board's consideration on this issue.

Jean Allen, 287 Old Greenville Road, Fayetteville remarked that her home was almost adjacent to the property in this petition.

Chairman Dunn asked Ms. Allen if she lived on the paved or the unpaved portion of the road.

Ms. Allen replied that she lived on the unpaved portion. She said the thing that really bothered her was that approximately four years ago her son wanted to build a house next door to her. She said it was adamant that he must have a five acre lot. She felt the rules were changed for builders. She said she enjoyed living where she did because the lots were five acre tracts and the density was not as great.

Ann Richardson, 701 Goza Road, Fayetteville remarked that she was a native Fayette Countian and had lived here all of her life. She said her mother and father had also lived here and before that her mother's parents lived here. She remarked that a little over three years ago her two sons were going to divide nine acres that she had for them to build on. She said this came to four and one half acres each and they were not allowed to do that because they did not have five acres to build on. She said one of her sons had built on the full nine acres. She said this land in question would be adjacent to her son's property. She remarked that her son had nine acres and now the new tracts would only be three acres. She felt the land should remain A-R. She said the residents there had to abide by this and she felt this area should remain agricultural and stay country. She said they had chickens where they could get their own eggs. She said there just were not that many people who still lived this way. She said the fair was another thing that had increased the traffic at different times of the year. She said she was aware that new schools were constantly being built and subdivisions kept going up. She said in order to accommodate all of the children in these subdivisions, new schools had to be built. She said she had graduated from Fayette County High School in 1961 and there

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were fifty people in her graduating class. She said all of the changes were not always for the better. She said she wished her other son could have built next to her too but he had to go to Spalding County because of the rules here she could not split up her land with him. She said with the new schools being built, more teachers would have to be hired. She said she also understood the concern with more septic tanks going in here. She said the water table was being contaminated. She said she had a drilled well and enjoyed wonderful drinking water. She said they did not want that water polluted by having these septic tanks that close to her house.

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

Mr. Wright replied that he did not have any rebuttal.

Chairman Dunn asked for the Board's pleasure on this petition.

Commissioner VanLandingham said he had one comment for the gentleman who spoke of the tax evaluations that were done every year. He said this was mandated by the State of Georgia that property be evaluated at least every three years. He stated that Fayette County did this every year in order to keep from having a large tax bill after the end of three years. He said this was not the Fayette County Tax Commissioner's choice to do this but the State of Georgia's mandate. He said he had noticed in the Planning Commission's minutes that it stated this request was for 155.01 acres to be rezoned. He asked if the request was for 158.233 or 155.01 acres.

Zoning Administrator Kathy Zeitler remarked that the surveyor had submitted a survey which was signed and sealed with a legal description stating 158.233 acres.

Commissioner VanLandingham asked Mr. Wright how many projects he had done on five acres.

Mr. Wright replied he had done seven projects.

Commissioner VanLandingham asked Mr. Wright how many lots were still vacant.

Mr. Wright replied six lots were still vacant.

Commissioner VanLandingham asked Mr. Wright what was the number of total lots to begin with.

Mr. Wright responded he had probably produced approximately eighty lots in the last five years give or take one or two lots.

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Commissioner Pfeifer said he had a couple of questions for Ms. Zeitler. He asked if there was a map or sketch showing the approved recommended conditions that she had recommended and the Planning Commission had approved.

Ms. Zeitler replied no. She remarked that the concept plan was not going to be what was actually developed. She said Mr. Wright had agreed to the conditions and that would force him to redesign this quite a bit. She said she did not have a copy of the redesign at this point. She said they only had a concept plan.

Commissioner Pfeifer asked if the 46 lots was a maximum number regardless of any redesign.

Ms. Zeitler responded no. She said 46 lots was the number that the plan was proposing right now. She said one of them was originally a park and was less than three acres and one was much larger than three acres. She said Mr. Wright's concept as to how he was planning on subdividing the property consisted of 46 lots.

Commissioner Pfeifer asked if the number of lots was known pertaining to a revised plan.

Ms. Zeitler replied there were 151 net acres. She said the maximum could be 50 three acre lots.

Chairman Dunn said he did not feel this was possible especially with the condition of making another road. He said some of the land would have to be taken out for the new road.

Ms. Zeitler replied that was true as well as the condition for the park.

Chairman Dunn felt the number of lots would go down.

Ms. Zeitler responded that the number would probably be somewhere between 45 and 47 lots.

Commissioner Pfeifer asked about the condition for the road coming off Old Greenville Road.

Ms. Zeitler replied that the condition restricted access for individual driveways from Old Greenville but recommended that a subdivision entrance come in off Old Greenville Road.

Commissioner Pfeifer clarified that this would connect up to the road coming off Goza Road.

Ms. Zeitler replied no and stated there would be two subdivision entrances with one off of Goza Road and the other off the paved portion of Old Greenville Road.

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Chairman Dunn asked if someone would be able to drive from the entrance on Goza Road to the entrance on Old Greenville Road.

Ms. Zeitler replied no.

Chairman Dunn said he felt someone could work their way through and be able to get out both ends.

Ms. Zeitler replied that she had not seen a revised plan.

Chairman Dunn interjected that the purpose of having two ends would be so people could get out in case of an emergency. He said it stands to reason that someone would be able to go from one end to the other.

Attorney McNally interjected that at this point Mr. Wright had done a concept plan and if the zoning would be granted on that property, he would then proceed to the next step which would be to prepare a plat and also map out the roads. He said the only time Mr. Wright would be prevented from putting in a road which would go from Goza Road through to Old Greenville would be in the event that it was some sort of a disadvantage or traffic short cut or something of that nature which would be detrimental to the subdivision. He said the number of lots and how the road would be designed would really be up to Mr. Wright as long as it did not violate any of the county's plat regulations. He said Mr. Wright's next step was to have topographies done and things of that nature which would be much more expensive than a concept plan. He said Mr. Wright might end up losing a lot or two through one thing or another on its physical condition.

Chairman Dunn said it was his concern that there be two entrances for public safety purposes. He asked why both entrances would be necessary if people could not get out of the subdivision from both of those entrances.

Ms. Zeitler remarked that staff would not want it designed to where it was going to be a cut through.

Chairman Dunn stated that the intent of that road would be that anyone living in that subdivision could exit either entrance. He said by definition that somehow they would be connected.

Ms. Zeitler agreed.

Chairman Dunn remarked that staff had asked for a minimum two acre park and Mr. Wright had agreed to that.

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Mr. Wright replied yes that was correct.

Chairman Dunn said the concept plan that he has included a 2.7 acre park in it which had now been taken out and made a house lot. He asked Mr. Wright to comment that issue.

Mr. Wright responded that he had picked up an additional three acres over what was originally thought in the original survey and topo. He said he was aware that the design was not what it was but he said he wanted to try for the best since he was going for the zoning. He said he would make sure that there was a park lot in a good location of two acres or more. He said if he did the two roads separate to two cul-de-sacs, he planned on tying it in to a community path to where both communities could walk to one another. He said this would be a community path area that would tie both communities together but not with vehicles. He said he would do whatever the county wanted him to do but he was trying not to have a cut through.

Commissioner Pfeifer said he would prefer to see the density in this section remain what it was currently, however, as he read the Land Use Plan, this would fall in the middle of both geographically and density wise to what was in that plan. He said he did not write the plan and did not always agree with all sections of it but he did not feel that he could support simultaneously voting to deny someone something that did meet the plan and then turn around as the Board had done before and deny someone their request. He said in the past he had voted to deny people to do what he believed did not meet the Land Use Plan and in this case he felt it did meet the plan.

On motion made by Commissioner Pfeifer to approve Petition No. 1098-02 subject to the recommended conditions, seconded by Chairman Dunn for the purpose of discussion.

Commissioner Wells remarked that she was in the same quandary as Commissioner Pfeifer as far as the Land Use Plan and how it was used often as a guideline. She felt the Board needed to be careful to look at each and every piece of property that was brought before the Board. She expressed some concern about the trickle down effect of rezoning this property to three acres. She said it was mentioned in the report that several subdivisions had one or two acre lots such as Wheatfield, Carrie Glen, Shannon, Rebecca Lakes and so forth. She felt the important phrase in that was "in the general area". She said according to her map that she had most of the property surrounding this proposed rezoning was A-R. She said there were a few lots of record that were smaller than that but that meant that they were grandfathered in. She said there were a huge number of acres down in that area that were currently five acres and were agricultural. She said this was her eighth year on the Board of Commissioners and the Board had tried to protect the south end of the county and there had been a number of things that had changed. She said people would point to the schools that had come in and also to Kiwanis Park and say that these had changed the complexion of this general area. She said that may or may not be true. She said she was not sure that she

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would buy into the philosophy that if a school was brought into that area that property values would decrease. She said she did not see a school devaluing the property in that area.

Commissioner Wells further remarked that her biggest concern was the trickle down effect. She said if the Board rezoned that piece of property and land use stated it could be three to five acres, this was where the Board's discretion would have to come in. She said the Board must look at all of the variables there and then make the hard decision as to whether it would go to the smaller end or whether it should be held to the higher density. She said there was a lot of agricultural land in that area, She said she could see this being a three acre subdivision here and someone else coming in wanting an average of two or three acres. She said she really did want to protect the south end of the county.

Commissioner Wells further remarked that there was another issue that the Board needed to look at too. She said if this property was developed at five acres that would be approximately thirty lots although she realized that there were only fifteen additional lots going in. She said just in the traffic count alone if this property was developed at thirty lots, it would be approximately 227 trips per day. She said if the property was developed with the 45 lots, there would be 440 trips per day. She felt that was a significant increase taking into consideration what could follow on its heels. She said if it was developed at five acre lots with thirty houses, this would come to approximately 45 children versus approximately 68 children. She said there was a comment included that said "the elementary school in close proximity has 224 students under the facility capacity based on its current enrollment". She remarked that this was wonderful. She felt the Board would be less than responsible if the Board did everything possible to fill up this school as fast as it could. She said she really wanted to maintain the slow growth in that area. She said it also stated that Whitewater Middle School currently had no classroom trailers on site. She said this was also good news.

Commissioner Wells stated that she had a problem with this rezoning request. She said her problem was not with what Mr. Wright was proposing and not with his quality of building and development. She felt it was fabulous that people had looked at Mr. Wright's quality of building and stated that this was the kind of subdivision that they wanted to live in. She said she was very concerned about her responsibility to protect the south end of the county. She said she saw this as a domino effect that would just trickle on down. She said she was going to exercise her right to discern between three to five acres and would have to hold it at five acres.

Commissioner Pfeifer asked Ms. Zeitler if this was for land use plan of two acres to five acres.

Ms. Zeitler replied yes, that was correct.

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Commissioner VanLandingham remarked that he agreed with Commissioner Wells. He felt that the south end of the county was a reflection of the true values in Fayette County as it was largely rural and agricultural type dwellings. He said possibly at some point in time that would change but he would not want to be the one who introduced this into the south end of the county. He said he could not support the three acres and also would not want to reflect on Mr. Wright's ability to build quality housing or developments in Fayette County. He said he did not feel that this was the place to do this. He said Mr. Wright's success with five acre tracts had been pretty good and he would like to see him stay with that on this project too.

Commissioner Wells commented that four years ago the Board had denied a splitting of a parcel of land and three years ago the Board had denied a nine acre division. She said the Board was holding the people to the spirit of the use at that point in time. She said she did not see that anything had changed to cause the Board to change its attitude about protecting that area.

Commissioner VanLandingham remarked that those two rezoning requests would have had a lot less impact than this request for 46 homes.

Chairman Dunn clarified that Mr. Wright had stated that there was not going to be any negative impact on the schools. He asked Mr. Wright how he had discerned that.

Mr. Wright replied that through the paperwork that he had read, it stated that there was classroom seating available for 240 students.

Chairman Dunn remarked that in the next paragraph it stated that "this plus the other rezonings in the area were going to cost the school system \$5 million more". He said the other schools that were being built now were accommodating the students who were already there who were in trailers and the school board was going to have to redistrict all of those children now in the new schools. He pointed out that some of the new schools as soon as they were built would have trailers. He said when a subdivision goes in anywhere in the county, it would severally impact the school system.

Chairman Dunn said this rezoning request troubled him a lot. He said he understands that in the history of Fayette County that one day this area would be developed into something. He said he hoped it would be the least dense development that could possibly be done. He said whether this was it, five acres was it, or one acre he did not know. He said the current Board was tough on rezonings and he wanted it to stay that way. He remarked that his concern was that this subdivision looked to him like from the preliminary plat like a conservation subdivision. He asked Mr. Wright if he had ever considered a conservation subdivision.

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Mr. Wright replied yes, he had looked at this but heard that a request had gone through not long ago and had not been approved by the Board. He said he would love to do some C-S.

Chairman Dunn said that particular request had not been approved and the major reason it was not was because it sat on top of a water recharge area. He said the proposed subdivision did not. He said if this proposed subdivision was done as C-S, there could be 46 lots and almost 100 left as pure park land. He said right now all it showed was lots, houses and roads and no amenities to speak of or anything. He asked if there was still a lake up near the northern 13 acre lot.

Mr. Wright replied no.

Chairman Dunn said he had an old, old Fayette County map that showed a lake up there. He asked if any of the residents in the audience remembered a lake on the northern part of this property.

A gentleman responded there was a pond in that area but not on the property. He said the pond was adjacent to the property.

Mr. Wright interjected that he knew of no lake. He said he was having to run water approximately 4,000 feet from the Kiwanis Fairgrounds to get it to the subdivision. He said this was the main reason he was asking for the rezoning was because of the cost that he would have to run that water down the road.

Chairman Dunn remarked that a conservation subdivision would save Mr. Wright money and it would take out less of the environment.

Mr. Wright remarked that five acres would not be a problem for him. He said he was going to purchase the land whether this rezoning request passed or not. He said he would pursue the five acres if this request was not approved. He said what would hurt him in the five acres would be the water line that he would have to run. He said he was just shy a mile to get to the subdivision. He said that would be a pretty hefty cost in order to do that.

Chairman Dunn remarked that there was another realty here and that was that the growth in the area had not been the way in which the land use plan intended. He said nobody intended for the Kiwanis Organization to have something like that have there. He said most of the time they were a good neighbor but when they were busy they were busy. He said there was a lot of the traffic for the residents who live there. He remarked on the two schools that were being built there. He said these two schools were going to seriously impact that neighborhood with traffic. He said children come to school in cars and buses today and this would be constant down all of the roads in the area where this subdivision was proposed. He said there was a huge impact already to this area and this proposed subdivision would add to it. He said on the other hand, he felt this request did comply with the land use plan. He said this was why he

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was having somewhat of a problem. He said he felt there was no question if it were left up to him that he would like to see no houses on that property or one house per five acres like it was planned in the past. He said he was having to struggle with this request. He asked Mr. Wright to remember that when this vote was taken that he had asked him if he wanted a full Board to hear this request. He asked if the Board had any further comments.

Commissioner Pfeifer said he just had one quick comment. He said this was a tough request to decide. He said he would also prefer that this land be developed at the lowest density possible. He said what was tempting to him now was to approve this offer now rather than having a future board put two acres on it. He commented on the subdivisions that Commissioner Wells had pointed out that were listed in the Board's paperwork. He said he did not believe any of these current Board members had voted to put them there. He said some of the subdivisions that were currently in that general area would not get by this Board today.

Chairman Dunn called for the vote.

The motion failed 2-2 with Commissioner Wells and Commissioner VanLandingham voting in opposition. Commissioner Frady was absent. A copy of the Ordinance and Resolution denying Petition No. 1098-02, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

Mr. Wright asked the Board how he could go about getting the Fire Marshal to waive requiring him to run the water down Goza Road.

Chairman Dunn suggested Mr. Wright speak with the Fire Marshal. He said safety would not be compromised at all. He said whatever the Fire Marshal said, would be law.

PETITION NO. 1099-02:

Consideration of Petition No. 1099-02, Dan Stinchcomb, Owner, and Randy Boyd, Agent, request to rezone 1.053 acres from R-20 to R-20 for Lot 22 of Shoreline Trace Subdivision, Phase One. This property was located in Land Lot 86 of the 5th District, fronted on Shoreline Drive and was zoned R-20.

Chairman Dunn announced that petitioner requested this item be withdrawn from the agenda.

RESOLUTION NO. 2002-11 APPROVED:

Senior Planner Pete Frisina remarked that this item concerned the approval of submission of the annual update of the Capital Improvement Element (CIE) and the Short Term Work Program (STWP) for Fire Services Impact Fee and adoption of a Resolution to transmit the CIE and STWP to the Atlanta Regional Commission and the Department of Community Affairs. He said this was the annual update regarding impact fees. He said the package

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consisted of Short Term Work Program, Impact Fee Financial Report and a Capital Improvement Project Update. He said the other three participating communities have approved all of their information and he had all of their resolutions. He said the Short Term Work Program provided general information on capital projects including the project, the cost, the year it would be initiated and possible funding sources. He said most of the projects listed were included last year. He said some of these projects that were completed were dropped out and others had moved out a year or so because of scheduling or lack of funding. He said it was a transition year for the Short Term Work Program. He said this was required in the comprehensive plan and it was also required that it be kept up for impact fees. He said this was used as a document to communicate those projects to the D.C.A. and the A.R.C. who were the reviewers of the documents for comprehensive planning. He said staff was also working on a capital improvement program and that would be a document that would be used more internally and it would have much more detailed fiscal analysis than was required for the Short Term Work Program. He said the Board would be seeing these same two documents coming around every year. He said all of the projects in the Short Term Work Program would show up again in the capital improvement program.

Mr. Frisina remarked on the impact fee financial report. He said the county had collected in the unincorporated county approximately \$243,591 last year and of that approximately \$7,000 goes for administrative fees. He said the county also accrued approximately \$4,000 in interest. He said he was also including a summary financial report for all of the jurisdictions. He said altogether last year approximately \$352,000 was collected. He remarked that to date since the impact fees have been in place the county had collected approximately \$393,000. He said the last part of that was a project improvement update. He said this keeps track of all of the projects that were outlined in the capital improvement element. He remarked that last year the information was provided by the Finance Department. He said there was an expenditure and approval in the last budget to move some of the impact fee monies into some of the projects. He said that approval was for \$291,500. He said that was applied to Station 1 on S.R. 314.

Mr. Frisina asked for the Board's consideration in reviewing this document. He said if the document was alright, then the Board would need to adopt a Resolution to transmit this to the D.C.A. and the A.R.C. so they could begin their public review process which would take a minimum of sixty days. He said all jurisdictions would have to adopt the approved packet by February 28, 2003.

Chairman Dunn remarked that since this was a public hearing, anyone wishing to comment in favor or against could do so at this time. Hearing none, he asked if the Board had any further discussion.

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On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adopt Resolution No. 2002-11 approving the Capital Facilities Element and the Short-term work Program and to send this to the Department of Community Affairs, discussion followed.

Chairman Dunn remarked that he had gone to the A.R.C. yesterday. He wanted to say to Chris Venice and Pete Frisina that he had received tremendous compliments on the Fayette County Planning Department. He said there had been a public comment made that Fayette County was the only county in the ten county area that was always on time with all documents and had a complete file at the current time. He said this was another example of it. He said many of the counties would be lagging along and getting behind in getting this item done. He said Ms. Venice and Mr. Frisina were always on time and on target and it was greatly appreciated.

Chairman Dunn remarked that some negative comments had been made about this in the Tyrone City Council meeting a couple of weeks ago. He said basically they were objecting to the impact fees as they were laid out. He said they stated that they were being shorted by the county. He said Chief Jack Krakeel prepared a report and sent it up there. He said the Tyrone City Council members had changed their minds at their last meeting. He said after they reviewed the program, they were very complimentary and passed it. He said they understood that in no way were they being abused. He pointed out that some of the best response times for fire in the county were on that side of the county and in Tyrone. He thanked Chief Krakeel for handling this and said it was greatly appreciated.

Chairman Dunn called for the vote.

The motion carried 4-0. Commissioner Frady was absent. A copy of Resolution No. 2002-11, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve the consent agenda as presented. The motion carried 4-0. Commissioner Frady was absent.

FAYETTE SENIOR SERVICES - SIGN REQUEST: Approval of request from Fayette Senior Services to place a sign on the old courthouse lawn from February 7th through February 22, 2003 to advertise the Annual Music Concert fund raising initiative for Fayette Senior Services. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

WATER COMMITTEE RECOMMENDATION: Approval of recommendation from the Water Committee to approve a study on the down stream effects on a reservoir at a cost

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of \$10,500. A copy of the memorandum, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

ATLANTA FREIGHTLINES - BID AWARD FOR FLAT BED DUMP TRUCK: Approval of recommendation from the Director of Purchasing Tim Jones to award bid to low bidder Atlanta Freightliner in the amount of \$52,990 for the purchase of a Flat Bed Dump Truck. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

LEISURE LINES, INC. - BID AWARD FOR PLAYGROUND EQUIPMENT: Approval of recommendation from the Director of Purchasing Tim Jones to award bid to Leisure Lines, Inc. for playground equipment for Lake Kedron and McCurry Park Football each in the amount of \$19,000 for each location and a total of \$38,000. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT - TRANSFER INSURANCE REIMBURSEMENT: Approval of request from the Sheriff's Department to transfer insurance reimbursement from the General Fund to the Sheriff's Department-Criminal Investigations Division budget account code 10030321-522233 in the amount of \$2,242.19. Funds received from St. Paul Insurance Company for an accident involving a Fayette County Departmental vehicle accident report #02-0912. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT - TRANSFER INSURANCE REIMBURSEMENT: Approval of request from the Sheriff's Department to transfer insurance reimbursement from the General Fund to the Sheriff's Department-Criminal Investigations Division budget account code 10030321-522233 in the amount of \$1,000. Funds received from St. Paul Insurance Company for an accident involving a Fayette County Departmental vehicle for an accident recorded on Fayetteville Police Department accident report #020403219. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

FAYETTE SOCIETY OF FINE ART - SIGN REQUEST: Approval of request from the Fayette Society of Fine Art to place a sign on the old courthouse lawn from October 28th through November 9, 2002 to advertise the 2002 Art Show being held at the Fayetteville Train Depot on November 9th from 9:00 a.m. to 6:00 p.m. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on October 10, 2002.

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.

TIM THOMS: Tim Thoms, 625 McBride Road, Fayetteville expressed his hope that the Fayette County Board of Commissioners was working with due diligence to address the petitions for rezonings for the southside of Fayette County.

STAFF REPORTS:

CLOSING OLD HIGHWAY 138 AT ITS INTERSECTION WITH HIGHLAND HILLS ROAD:

Attorney McNally remarked at the October 10, 2002 Commission meeting members of the public from the Old Highway 138 community appeared before the Board and requested that the Board consider closing Old Highway 138 at its intersection with Highland Hills Road. He asked if the Board had reached any decision as to whether or not it intended to close the road at that point. He stated a cul-de-sac would ordinarily be put in at that point. He said he believed that the design of one had already begun should the Board decide to close it, however, the Board would not want to proceed in doing that if it did not choose to close that road. He said at this point, he felt it would behoove the Board to determine whether or not it wanted to close it. He said the Board could vote to close it since nobody would be cut off from access to a road. He remarked that the Road Department has a suggested point of closure. He said he was aware of the concern expressed by the residents about the new subdivision going in and that the new subdivision should not be permitted to get used to using the existing subdivision as a cut through. He asked for the Board's consideration in this matter as far as the road was concerned. He said the Board would need to vote to close the road or vote not to close the road.

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to approve the request to close Old Highway 138 at its intersection with Highland Hills Road and the Road Department to proceed with this closing immediately. The motion carried 4-0. Commissioner Frady was absent.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one legal item.

COMMISSIONER WELLS: Commissioner Wells pointed out that six students had walked into this meeting well after it had begun. She said four of these students had walked in at 7:50 p.m. She said this was not fair to those students who had been in this meeting since it began at 7:00 p.m. She asked the students to let the other students know that these meetings begin promptly

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at 7:00 p.m. She said in the future she would not support any signing of proof of attendance for students entering after the meeting had started.

CHAIRMAN DUNN: Chairman Dunn remarked on the meeting held yesterday at the Atlanta Regional Commission regarding the vote on the 2003-2005 Transportation Improvement Program. He stated that this was passed and the program for the next three years was laid out. He said for the first time he was in a position to vote for it. He remarked last year there was \$56,000 in a three year program and this year there was approximately \$15 million. He said there was some debate about the northern arc. He said there was no money in the T.I.P. for the next three years for the northern arc. He said the Regional Transportation Plan did include the northern arc having been put back in it. He said some of the members voted against the plan but voted in favor of the T.I.P. He said the members who voted against it had asked for and had been told that there would be a public debate between the Georgia Regional Transportation Authority and the Georgia Department of Transportation on all aspects of the northern arc including its route, who owned the property that it was going on, and how this project would be paid for in the future. He said they had never had that discussion because the Governor pulled it just prior to the open debate because of ethical reasons that were occurring on the route. He said the Governor had pulled this debate to settle those ethical concerns. He said as a result there had never been the debate. He said the members had implored them and were granted the promise that there would be an open debate in March or April, 2003 prior to voting on next year's T.I.P. and R.T.D. He said the plan would be done next year to go through 2030. He said the good news was that during the three year period, \$15 million of additional road money was obtained for the plan. He said he wanted to publicly thank Senator Mitch Seabaugh and also Secretary Coleman at the Department of Transportation. He said those two individuals were very helpful in getting all of the additional road monies that somehow were not appearing in the past. He said their help was certainly appreciated and they looked forward to working with them again next year.

Chairman Dunn further remarked on some of the projects that had gotten into the plan this year. He said the major funding was for the S.R. 54 and S.R. 34 corridor with four laning it with the two bridges to the Coweta County line to S.R. 74. He said the other one was the addition of \$5 million approximately one month ago to begin the process of widening S.R. 74 South as promised to the county when Governor Miller was still in office. He said those projects had not been taken care of but the money was now beginning to flow. He said a serious look needed to be taken of the eastern part of the county where the traffic had become unbearable in this region of the county. He said he was looking forward to the traffic plan that was currently being developed from our consultants and staff. He said there would be some very healthy debates over that one and there would have to be a tremendous amount of coordination between the county and the cities to come up with the new plan. He said this would have to be presented at the Atlanta Regional Commission in January and February, 2003. He said both Lee Hearn and the Chairman at that time would have to handle this. He thanked everyone again who had helped on this and said he appreciated it tremendously.

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EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss one legal item. The motion carried 4-0. Commissioner Frady was absent.

LEGAL: Attorney McNally advised the Board on a legal matter.

It was the consensus of the Board that attorney McNally proceed in this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize the Chairman to execute the Executive Session Affidavit affirming that one legal item was discussed in executive session. The motion carried 4-0. Commissioner Frady was absent. A copy of the Executive Session Affidavit, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 8:50 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 6th day of November, 2002.

Karen Morley, Chief Deputy Clerk