

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, January 25, 2001, 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
Harold Bost
Herb Frady
A.G. VanLandingham

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. 1067-00:

Director of Zoning Kathy Zeitler read Petition No. 1067-00, John O. Davis, Owner, and Bethlehem Baptist Church, Owner, request to rezone .463 of an acre from A-R to R-45 (to be added to a 4.537 acre tract zoned R-45) to develop a church. She said this property was located in Land Lot 230 of the 5th District and fronted on Kenwood Road. She said the Planning Commission recommended approval 5-0 and staff recommended approval.

Bill Vail, 127 Lafayette Drive, Fayetteville said he was representing John O. Davis in this matter. He asked for the Board's consideration in approving this rezoning.

Chairman Dunn asked if anyone wished to speak in favor of the petition. Hearing none, he asked if anyone wished to speak in opposition and there was none. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Bost to approve Petition No. 1067-00. The motion carried 5-0. A copy of the 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. 1067-00, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PETITION NO. 1068-00:

Director of Zoning Kathy Zeitler read Petition No. 1068-00, Grant Development and John Wieland Homes and Neighborhoods, Inc., Owners, and Dan Fields, Agent, request to rezone 80.65 acres from A-R to R-75 to develop a single-family residential subdivision, recreation center, and elementary school. She said this property was located in Land Lot 164 of the 7th District and future extension of McDuff Parkway. She said the Planning Commission recommended approval (5-0) subject to recommended conditions no. 1, 2, 3 and 4 and Staff recommended approval with conditions.

Dan Fields stated he was Vice President of John Wieland Homes and was representing Grant Development and John Wieland Homes as applicant of approximately 80 acres located to the West of Peachtree City and North of McDuff Parkway that currently dead-ended into this property. Mr. Fields stated to the North of this property there was undeveloped acreage zoned R-70 and was property that the Board approved last year. He said this property allowed a minimum of two acre lots. He said to the South of this property a portion of Wynnmeade Subdivision was located within the Peachtree City limits

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and was currently zoned R-1. He said to the East of the property was general residential four units per acre within the Peachtree City limits as indicated on the concept plan. He said to the West there was a portion of the Wynnmeade Subdivision located within Peachtree City and zoned R-1. He remarked that the property in question was surrounded on three sides by the City limits of Peachtree City. He said earlier in the week the Peachtree City Planning Commission approved the concept plan that would allow 326 lots to the West of this property which included town homes and some single family detached residential. He said as this plan was designed, it was intended to allow for multiple products meeting several different customer needs. He said the customer that was looking for a life style change and did not want the maintenance of yard work and so forth was provided in the plan that Peachtree City had already approved. He said the plan also provided for some 85 foot lots to the West. He further remarked that the proposal before the Board tonight allowed for two acre lots for those that were desiring larger lots. He said the property approved to the North was approved as two acre lot development. He respectfully requested the Board to approve this proposal to R-75. He said he would like to reserve the balance of his time for rebuttal.

Chairman Dunn asked if anyone wished to speak in favor of the petition. Hearing none, he asked if anyone wished to speak in opposition. There were no comments in opposition. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Wells to approve Petition No. 1068-00 as presented with recommended conditions, discussion followed.

Commissioner Bost remarked that the only problem that he had with this request was the recreational area being to the East and the housing was located to the West of McDuff Parkway. He said this reminded him of the situation that had occurred with the Timberlake Subdivision. He stated there was no underpass under the roadway for people from the one side of the street to get over to the recreational area. He felt this would be extremely dangerous. He said the Timberlake Subdivision situation had come before the Board after the fact but it should have been in the plans and requirements for an underground tunnel so that people did not have to get out in the middle of a lot of traffic. He said a four lane road was involved in the current request and would make it similar to the Timberlake Subdivision situation. He said he could support the petition if an underground tunnel was included in the conditions.

Mr. Fields felt that was a good comment. He said he had discussed this with the County Engineer and would be willing to construct crosswalks with stop signs there unlike what was approved at Timberlake where there were no stop signs and no traffic signals or anything like that there. He said petitioner would be willing to do a three way stop and markings on the street necessary for traffic to stop at that intersection.

Commissioner Wells said she too had a great deal of concern about that issue. She said there was discussion of putting a school in that area and there would be a lot of children

and people trying to cross at this particular intersection. She said she had spent some time today speaking with the County Engineers and some of the county's planners. She remarked that the County Engineer was very comfortable with monitoring this situation. She said they had discussed the underground tunnel and the County Engineer had said that there were some problems with some particular flood plains in the area that might cause a problem. She asked County Engineer Ron Salmons to address the reason why he did not feel at this point in time was the best solution to this situation.

County Engineer Ron Salmons said he was concerned about groundwater and the possibility of an underground tunnel being built. He said to the North of the lower four or five lots there was a wetland area and at the very top there was a wetland area and a 100 year flood plain that would approach that. He said his concern based on the limited amount of information that the county had at the present time was that there may well be a water problem if an underground tunnel was built with the lay of the land at that location. He said an overpass would be hard to monitor or to force the children to use an overpass. He stated at this point this would require a traffic study and study of people on the development that was marked GR-4 and the elementary school on the other side. He said he did not want to tie the county's hands as to what was put in there. He said the conditions stated that an appropriate traffic control device would be installed. He said this would give the county the latitude when the study was done and things firmed up a little more on the school situation.

Mr. Salmons also expressed concern that the school issue be addressed. He felt there would be a lot more pedestrians coming from the other side over to the school. He said it was his intent that if this petition was approved and at the preliminary plat stage he did intend to involve the school system as to what they were going to require as far as entrances and accesses to their school.

Chairman Dunn remarked that one of the problems was that the School System did not know if it was ever going to build a school there. He said the School System had been very candid about that. He felt they would like to some day but the Board had received a letter from the School Superintendent saying that it had not been surveyed and did not know if this would be appropriate or if they would every build it. He said the School System certainly did not have funding at this time for a school at that location. He felt it would be several years before a school was built there.

Mr. Salmons remarked that the School System was considering three new elementary schools at the present time.

Chairman Dunn interjected that the schools the School System had funding for did not include this site. He said his concern was if the Board approved something here tonight and a school built there at a later date. He said the Board would be in a position where something could not be done very easily at that point to make safety a primary concern.

Mr. Salmons said he appreciated what Chairman Dunn was saying and he stated that he also shared these concerns. He remarked that he would want the county to work with the School System to see how soon if ever the school would be built and make sure there was adequate right of way on the Parkway to provide any type of left turn base for school buses. He said he would want to work with the School System to make sure that the two entrances that were shown would be compatible with whatever plans they developed. He said part of the problem was that there were too many issues in the future that might happen and there was not a good handle on the timing.

Chairman Dunn remarked the Board had gone through this same situation with a subdivision that had a recreation area split by Peachtree Parkway. He said regardless of how it could be assumed that people would be careful of how they drove down Peachtree Parkway, it was like the Indianapolis Speedway. He expressed concern with kids in golf carts going across the road. He said the Board had sworn that it would never let a situation like that happen again.

Mr. Salmons said he shared Chairman Dunn's concern with safety. He said he would defer to the Board's judgment as to what direction it would like him to take at this point. He stated his intent was to require some type of an engineering study assuming the school would be built because that would have the maximum amount of population that would have to go across there. He said he would like to work with the School Board to make sure that the appropriate traffic lanes and entrances were provided for them. He said if the Board had a different direction that they would like him to go he would be more than open to it.

Commissioner Bost asked if the Board were to approve this request without having the requirement in there, it would be a mute subject as far as the underground tunnel. He remarked that the wetlands at the North end were at an elevation of 850 feet at the higher elevation at the Southern edge of the northern wetlands. He remarked that the elevation in the general area around lot 8 was 880 or 890 feet and this would be forty feet above the elevation of the wetlands. He said he did not understand where there could be a water table question.

Mr. Salmons remarked that the overlays that had been reviewed from the G.I.S. system had indicated some flood plain in that area. He said if it was the desire of the Commission that an underpass be investigated he could bring this information back to the Board. He said at this time the information that he had been provided regarding elevations and so forth was limited. He said he was going by the maps that he had and the indication of the wetlands on those areas.

Commissioner Bost said he was just going by the elevations on the map.

Mr. Fields said there were two issues that were unknown. He said one was the outcome of the development to the North. He questioned if they would tie onto the Parkway. He

said there might be a road that would be extended to just ten lots to the North. He said secondly it was now known if the school would officially accept the site. He said if the Board could place a condition in the rezoning that would require an underpass he asked that the Board tie that condition to the situation if the school was constructed the underpass would be put in. He said secondly the Parkway was extended to the North. He said if the Parkway was not extended to the North then there would not be the traffic that Peachtree Parkway currently had. He said if the school was never built then the need for a crossing was not as big a concern. He said it was found in the Woodcreek Subdivision where he lived that most residents get into their cars and drive over to the recreation facility. He said that was not exactly what was intended but that was what happened. He said if the condition was made that it be placed and subject to the school site being approved and the school built and secondly the Parkway being extended. He said otherwise he did not know if there was any need for an underpass.

Commissioner Frady asked who would be using the underpass. He asked if it would just be the residents living there and Mr. Fields replied yes.

Commissioner Frady remarked that there were 300 homes in the other subdivision along the Parkway and this was an oversight. He said this rezoning might be subject to the extension of the Parkway and certainly that could be placed on this.

Commissioner Bost said he agreed if the school was never going to be opened up the underpass would not be necessary. He said the problem in his mind was when this would occur.

Attorney McNally commented on this condition. He said whatever conditions the Board ended up putting on this developer he would suggest that it not be contingent upon whether a road was completed by someone else and whether or not the school accepts the property or not. He said whatever device the Board decided on the developer should have to install the underpass now. He said condition number one was not valid to impose on this property because it was in essence withholding what petitioner was asking for until something would be triggered by the county and another governmental entity. He suggested that the Board not use condition one and that condition two be along the lines that he had mentioned. He said in order for the Board to make this enforceable it would need to make it something that was done by this developer at the time he develops.

Commissioner Wells stated that part of her concern also was if the school was never developed what would be done with the acreage and what might possibly exist there in the future. She said there were too many unknowns. She said the development could be finished, a cross walk constructed and then later on decide that this should have been done differently. She said she could not place a contingency on the school existence or non-existence because the Board would not be able to go back and correct the situation.

Chairman Dunn said he would like to address some of the issues. He said Mr. Fields had stated that 326 lots were approved and not 336 lots.

Mr. Fields remarked that 336 lots had been approved.

Chairman Dunn said GR-4 in the city was four houses per acre. He said this would be a clustered neighborhood and this was intentional. He said there would be all types of housing in there. He said one of the benefits there would be that the people were so close that they could walk to the recreational area. He said if the lots were two acre or five acre lots the residents would have to drive to the rec area. He felt the proposed site was designed for residents to walk to the rec area. He said it should be expected that people would walk to the rec area and to the school, if there was one, all of the time. He said with 336 homes and one plus child at each home there would be a lot of children plus the property South of the subdivision would probably also be using the school.

Mr. Fields stated that there was currently a crossing on the Parkway just South of the property and it was the overpass crossing that goes across S.R. 74. He said this was the Southern end that would connect Wynnmeade Subdivision to the rest of Peachtree City. He felt some of the children coming from the South might cross there and this would still be a concern.

Chairman Dunn said the property in question would have 336 homes on it in the City and 14 in the county for a total of 350 families. He said Cedar Croft, which was sitting on 63 acres, already had 218 families coming in. He said Line Creek which was now Merit Trace Apartments sits on 25 acres and has 399 families there. He said this involved 1,000 families right on the other side of McDuff Parkway all of whom may have to go to the school and many of whom would find their way to the rec area. He said the Board did not know what would happen to the property to the North of this because it was in litigation right now. He felt Pathways would not want to keep the property if sooner or later there was not a road on it. He said the entire plan that Pathways had prior to annexation was to send McDuff Parkway out to S.R. 74.

Mr. Fields remarked that the plan that was presented to the Board did not have a connection to McDuff Parkway.

Chairman Dunn agreed and said that he was talking about the one that was part of the annexation plan for the City. He said that was supposed to run from S.R. 54 curve through and go to S.R. 74. He said that would be a substantial parkway and not a little road that would go through there. He said with additional development on top, plus the 1,000 homes crammed into this little area, plus the big boxes that were going to be right out on the street on S.R. 54 there would be an substantial problem with an enormous amount of traffic that would be going up this road. He felt the Board would have to assume that there was going to be a parkway there one day because all the property to the North was of no use to anyone unless the road was extended. He said he would also assume that if the property

was given to the school that some day there would be a school there but he knew this would not be in the next three or four years because this was not in their plans and not part of their \$65 million bond issue.

Chairman Dunn expressed concern that if the Board did not do the right thing for safety now, it would never be done and down the road there would be an enormous problem trying to keep the thousands of families off that road.

Mr. Fields said the tunnel had been retrofitted that would go under Redwine Road from the Preserve Subdivision to Peachtree City. He said that tunnel was built retroactively. He asked for the Board's consideration for them to plan for a tunnel with the engineer and at the time the school was built install the tunnel at that time. He said it was not economically feasible to build the tunnel for fourteen lots.

Chairman Dunn said the tunnel would not be built for fourteen lots but would be built for the safety of the children in the other 1,000 homes to get to the rec area.

Commissioner Bost asked Attorney McNally if the Board were to approve this request as R-70 and the School Board choose not to use the twenty acres proposed for a school could the property be developed as R-72.

Attorney McNally responded yes and this could be done without coming back to the Board.

Commissioner Wells said the School Board could also sell that property if they decided that it would be more beneficial for them to go somewhere else.

Commissioner Bost said there could conceivably be ten more homes there.

Chairman Dunn felt this would be more like seven additional homes.

Commissioner Wells remarked that there were just so many uncertainties here. She said the Board was being ask to prepare for minimum based upon projections at this point in time and this could change tomorrow as well as asking the Board to approve something that could place a number of children in jeopardy. She said the Board was just not prepared to do that.

Mr. Fields said actually all they were requesting was R-75 zoning which was the same zoning that the Board had approved to the North of the proposed site.

Chairman Dunn said he personally had no problem with R-75 zoning but he did have a problem with the health, safety and welfare of the citizens and the Board was going to take that into account.

Commissioner Frady asked if this should be a cooperative deal if they were going to do that because the people coming in would have to help pay for these expenses.

Commissioner VanLandingham said he had some of the same concerns. He said if there was discussion of some of the Parkway not being extended this would leave one way in and out of the subdivision. He said that was good but it was also bad. He said if there was a train derailment there would be a problem. He stated emergency personnel would not be able to get there. He said there were a lot of safety concerns on this project that had nothing to do with the R-75 zoning. He said this was the Board's major concern. He said while the R-75 zoning was adequate, he felt the requirements to get that had to be addressed. He said there were so many unknowns that for him to feel alright about it, the Board would have to impose things on this project that petitioner would probably not want to do. He said he had read the crossing requirements and a stripe with stop signs. He said the Engineering Department was already talking about signals at the very minimum. He said with discussion at the very beginning there were problems all the way through with safety. He said this was of grave concern to him. He felt before this request was approved these issues needed to be addressed and resolved and not wait until a school was built. He said these issues needed to be resolved now and understand that this would take place. He said to have to go back and take care of these issues would be more costly.

Commissioner Bost remarked that there were a lot of unknowns here. He asked if it would help to make things clearer to put this decision off for thirty days.

Mr. Fields said petitioner would agree to the tunnel before agreeing to put it off. He said Mr. Katz had owned the property for the last twenty-five years and he had not had access to the property. He said he would not want to go back to Mr. Katz and tell him that it would be thirty more days after he had waited.

Chairman Dunn said he would even suggest that nobody would have the answers to these questions within thirty days.

Commissioner Frady asked if the Board could spell out each one of the concerns and table it and have these questions answered. He said he was aware that petitioner would not want to table this but if the Board wanted to do this it could. He said this would be an alternative.

Chairman Dunn felt there was no one on the Board who had a problem with R-75 but what conditions would be imposed.

Commissioner Frady clarified that Mr. Fields had remarked that he would be willing to construct the underpass now.

Mr. Fields said he would agree for the Board to put in the stipulation of a tunnel rather than go back to Lee Katz and tell him that it was going to be thirty more days.

Commissioner Bost said he could support the request if that was a condition.

Commissioner Frady asked Mr. Fields if he would agree to that and Mr. Fields replied that reluctantly he would agree to that.

Chairman Dunn remarked that many of the carpaths under the roads in Peachtree City did not seem that expensive to build if they were constructed in the beginning.

Commissioner Frady asked what if the School Board were to come out in the near future and say that they did not want to build a school there and seven or eight more lots were a result. He asked if this would be satisfactory with a tunnel.

Commissioner Bost said that would not bother him at all. He said he could go with the R-70 and R-75 with no problem whatsoever as long as there was a tunnel.

Commissioner Frady asked if Commissioner Wells would withdraw her second from his motion and he would amend that motion that condition number 2 be replaced with the construction of an pedestrian underpass under the Parkway instead of a cross walk.

Commissioner Wells said the Board also needed to address condition number 1. She said Attorney McNally was exactly correct in that the Board could not place these type of constraints upon them. He said this would bind them into a situation that they would have absolutely no control over. She said one of the reasons that she had wanted to leave it on in the first motion was because she would like to reiterate how incredibly important this particular situation was. She said this was a very small island that was county property and if anyone in that island called 911 and it was a county response rather than a city response there could be some confusion and problems. She said she wanted to make it clear that she had a problem with having issues over who was going to respond whenever there was an entity who was much closer. She commented that if someone called 911 from the Publix Shopping Center then the county would respond and not the City of Peachtree City. She said she did not ever want the citizens to be placed in a situation where there might be a call going out to dispatch and their not knowing who would respond and in the meantime somebody's life was in jeopardy. She said she wanted to reiterate how important this was and how uncomfortable she was having this small island of county property. She felt this matter needed some public addressing. She said condition number 1 would have to be removed.

Chairman Dunn said he would like to comment on that issue. He said for years the county had been asking the City of Peachtree City to enter into an automatic aid for fire and for ems services agreement. He said the county had such an agreement with Fayetteville, Spalding County, Coweta County, Fulton County and Clayton County. He said these entities operate as one big entity when a 911 call goes in. He said the quickest unit who can get to an emergency goes to the location. He said for some reason the county and the City of Peachtree City do not have that agreement. He said the island would consist of

fourteen homes and this would belong to the county response. He said the City of Peachtree City would not enter into an agreement with the county at least to this point to service those fourteen homes. He said Peachtree City had a different vision as to how to provide the service. He said he was not going to say that it was right or wrong but would say that it wasn't right. He said one of the concerns the Board has was the responsibility of the fourteen families. He said because of the thousands of homes that were being built around it, the big boxes, the traffic gridlock that already exists there and no other road, how would anyone be able to get in there.

Mr. Fields remarked petitioner was certainly prepared to help the Board anyway possible. He said they had the same concern.

Chairman Dunn said right now the county had no assurance that Peachtree City would answer a call for those fourteen families.

Commissioner VanLandingham said this would put a financial hardship on these few property owners because their fire classification would be 10. He said that meant no protection if the county could not get something done. He said he sincerely believed that the City of Peachtree City would like to see this entire Inverness Subdivision be completed. He said Peachtree City had already approved 336 out of 350 homes. He said he was sure that Peachtree City wanted to get it done safely as well.

Commissioner Wells said she would withdraw her second so that a new motion could be made.

On motion made by Commissioner Frady, seconded by Commissioner Bost to approve Petition No. 1068-00 as presented deleting recommended condition no. 1 and changing recommended condition no. 2 to read that a pedestrian underpass would be constructed and also including recommended conditions no. 3 and 4. The motion carried 5-0. A copy of the recommended conditions, Staff's Analysis and Investigation, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1068-00, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

Commissioner Wells said she wanted to express her appreciation to Mr. Fields for working with the Board and being patient.

Mr. Fields said the company had been in Fayette County for approximately 20 years and had enjoyed all 20 years and had a great relationship with staff. He said he would like to commend the staff for having such a good summary and in particular Ron Salmons in listening to him and his position. He same Mr. Salmons had stated the county's position

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well and he felt Fayette County had a great staff. He said he also enjoyed being a Fayette County citizen.

POLICY REVISIONS AND AMENDMENTS TO THE DISCIPLINARY POLICY AND GRIEVANCE PROCEDURE APPROVED:

Director of Human Resources Connie Boehnke stated the County Attorney along with several staff members had worked on the review of the policy revisions and amendments to the disciplinary policy and grievance procedure. She said they felt that they had really produced a product that was much more feasible than the old policies that were in place. She said she was prepared to go through each item with the Board if it was felt necessary. She said there was one minor change on request number 4 under the performance appraisal in the satisfactory category that the last line be included "has not accumulated any disciplinary points".

Commissioner Wells said she did not feel it was necessary for Mrs. Boehnke to go through the document point by point. She said she appreciated all of the work that the staff members along with Attorney McNally had done. She said she was glad to see that policies were being updated.

On motion made by Commissioner Wells, seconded by Commissioner Bost to approve the policy revisions and amendments to the disciplinary policy and grievance procedure. The motion carried 5-0. A copy of the document, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

CONSENT AGENDA: Chris Cofty requested item no. 1 be removed for discussion. Commissioner VanLandingham requested that item no. 3 be removed for discussion. On motion made by Commissioner Bost, seconded by Commissioner Wells to approve consent items no. 2, 4, 5, 6 and 7 as presented. The motion carried 5-0.

MARSHAL'S OFFICE: Approval of request from the Marshal's Office to transfer \$3,404.30 from the general budget fund to Marshal's category #136-5433 - Vehicle Repair and \$3,000 to category #136-5731 - Radio Repair.

Mr. Cofty remarked that after some discussion with the Marshal's Office relating to this item. He said the cost of repair to the vehicle was \$4,000. He asked for the Board's consideration to approve the amount of \$4,000 and remove completely the \$3,000 for the radio repair.

Chairman Dunn clarified that the radio had survived the accident.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the sum of \$4,000 for the vehicle repair and remove the \$3,000 for radio repair. The motion carried 5-0.

WHITEWATER MIDDLE SCHOOL BAND BOOSTER CLUB - SIGN REQUEST:

Approval of request from the Whitewater Middle School Band Booster Club to place a sign on the corner of the Old Courthouse lawn on February 25th through March 2, 2001.

FRIENDS OF THE FAYETTE COUNTY PUBLIC LIBRARY - SIGN REQUEST:

Approval of request from the Friends of the Fayette County Public Library to place one sign on the north corner of S.R. 85 and 54 on the courthouse lawn and two signs, one at the northwest entrance and one at the southeast entrance to the Administrative Complex announcing the upcoming book sale scheduled for March 3, 2001.

Commissioner VanLandingham pointed out that there was no date listed for the placement of this sign at the old courthouse lawn.

It was clarified that the dates for placement of these signs was February 25 through March 3, 2000.

On motion made by Commissioner VanLandingham, seconded by Commissioner Bost to approve consent item no. 3 and include the dates of February 25 through March 3 for the signs to be posted. The motion carried 5-0.

HOMESCHOOLER'S CONSIGNMENT GROUP - SIGN REQUEST: Approval of request from the HomeSchooler's Consignment Group to place a sign on the corner of the Old Courthouse lawn on March 27th through March 31, 2001.

SOUTHSIDE MOTHERS OF TWINS CLUB - SIGN REQUEST: Approval of request from the Southside Mothers of Twins Club to place a sign on the old courthouse lawn from March 5th through March 11th announcing their Spring Consignment Sale on Saturday March 24th at the Kiwanis Fairgrounds on Goza Road.

RESOLUTION LEVYING PROPERTY TAX - FAYETTE COUNTY SCHOOL DISTRICT: Approval of the required Resolution, on behalf of the Fayette County School District, levying the property tax as approved by referendum on November 7, 2000. A copy of the Resolution, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners' meetings held on January 3, 2001 and January 11, 2001.

PUBLIC COMMENT:

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

TIM POWERS: Tim Powers, 258 Matthews Road, Fayetteville expressed concern over the fact that he had paid the Water System \$2,500 in October, 2000 and still did not have a waterline. He asked the Board for interest on his money for this period of time. He said he lived on a one lane dirt road maintained by the county. He said he was trying to get water in the Starr's Mill community. He said there was a drought in Fayette County in September, 2000 and his well had gone dry. He said he had been in the service business for most of his life. He remarked that he had never been paid for a job and waited to put it in until somebody got around to it. He said any of the other utilities who take his money and uses it would pay him interest on it. He said he had paid the Water System \$2,500 on October 11th to get a water meter to a house that he owned in the Starr's Mill community. He felt the water services were not keeping up with the rest of the services in the county.

Commissioner Frady asked Mr. Powers for the date of installation that he was given.

Mr. Powers replied that he was told it would be installed within six to eight weeks on October 11, 2000. He said he had paid the money on that date and still had not received the service. He said he had called the Water System and they had asked him if he wanted his money back they would be glad to do that. He said he did not want his money back – he just wanted a water meter.

Chairman Dunn said he would check out this situation and would get back to him.

Commissioner Wells interjected that Mr. Cofty had spoken to Mr. Powers about this issue and staff was working on a solution.

Mr. Cofty remarked that he had several conversations with Mr. Powers over this issue. He said he certainly sympathized with him and what had gone on. He said he had looked at the bid process and what the Water System had done. He said the county had done everything in cycle and had gone before the Board and sometimes even rushed through. He remarked that two weeks ago at the Water Committee meeting this issue was discussed. He said he was sympathetic with what Mr. Powers had gone through. He said alternative measures were being investigated where someone could be brought on staff and have an annual contract with them where these issues could be addressed. He said this would alleviate the cumbersome bidding process that the county was currently having

to go through. He said he was trying to look at a lot of these issues now in order to improve service to the citizens of Fayette County.

Commissioner Wells clarified that this was a bid process and anytime a water line had to be run or a water meter installed. She said she was sympathetic with Mr. Powers' frustration but she was aware of several conversations and the county was moving forward as fast as possible. She said it was not just one line that had to be run but it was a process to make sure that everyone along the water line was being accommodated. She said the county would have to have bids and also depend on the Department of Transportation for permits and so forth. She said she wanted the citizens to know that the county had not been ignoring Mr. Powers and this complaint had not fallen on deaf ears. She said it was just the process of getting this accomplished.

Mr. Powers said he had requested that interest be paid on his deposit the same as would have been done with Georgia Power. He said if the county was going to use his money he should be paid for that use. He stated he had paid the money and he had not been provided a service.

Chairman Dunn felt there would be good reason for the delay in Mr. Powers' request and he would check out this situation.

Commissioner Frady said he would like to know the procedure that the county followed for this type of thing.

Attorney McNally replied that the Water Committee had reviewed this procedure at its recent meeting. He said it had been county policy that each and every job where a water line had to be extended in addition to just running the water, then a job would have to go out for bid. He stated this procedure was more time consuming in some instances than it should be. He said the Water Committee would be coming to the Board with a recommendation that either a crew be added to get to these jobs done faster or bid a contract up front in a calendar year so that a construction company would be on call for the small extension jobs without having to go through a bid process on each job.

Commissioner Frady suggested that citizens' money not be taken until it was time for the job to be done.

Chairman Dunn recalled that Mr. Cofty had discussed this matter with him previously. He said the bottom line was that the county had been working on this and he assured Mr. Powers that he would get back with him.

The Board said that they would investigate this situation and get back to him.

ALICE JONES: Alice Jones, 110 Lawsen Lane, Fairburn, Georgia stated that she was a Tax Auditor by profession and had a lot of experience with writing grants for cities and municipalities. She presented a proposal to the Board to develop a park and recreation facility in North Fayette County. She said she wanted to go on record that she was asking that this item be placed on a Commission Agenda for discussion and consideration for approval.

TONYA TRUESDALE: Tonya Truesdale, President of DixLee'On Subdivision, 160 Monticello Way, Fairburn, Georgia said she asked for the Board's consideration in constructing a traffic light somewhere along Evander Holyfield Highway because of the large amount of traffic. She also called to the Board's attention the fact that bus drivers were having to make right turns to go out of the subdivisions, go all the way up to Fulton County, turn around and then come back to the schools thereby making the children late for school. She asked for the Board's consideration in these issues.

Commissioner Wells remarked that any traffic studies and recommendations the Board might make would have to go through the Department of Transportation. She asked Mr. Cofty for the status of the traffic studies.

Mr. Cofty replied that it had been over three years since he had met with Ms. Truesdale. He recalled that the Director of Public Works Lee Hearn had written a letter to the State Department of Transportation expressing the concerns of the DixLee'On Subdivision Homeowners Association and asking them to look into this situation. He said he investigate D.O.T's response and get that information to Ms. Truesdale.

Commissioner Wells asked that Mr. Cofty get in touch with Ms. Truesdale as to the status of this situation and also report to the Board.

Ms. Truesdale said she also had some concerns with resurfacing in the subdivisions in her area. She said there were pot holes and other paving concerns in these subdivisions.

JIM BISCHOFF: Jim Bischoff, 116 Peachtree Court, Fayette County presented a proposal to the Board for review regarding the Indigency Defense Program. He said he would put this on an agenda at a later date.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss four legal matters and two real estate items.

ATLANTA REGIONAL COMMISSION REQUESTING HIGHER DUES: Chairman Dunn discussed a Senate Bill that would raise participating counties' dues for the next several years. He remarked that Senator Seabaugh wanted the Board's feelings on this issue. He said Fayette County had joined the A.R.C. in 1991. He said since 1994 the county had

been paying \$.80 per citizen. He said the Senate Bill was requesting to raise their dues that Fayette County pays to the A.R.C. by \$.10 per person in 2002 and in 2003 the county would pay \$1.00 per person. He stated that after 2003 the county would be subject to raises by the A.R.C. themselves and not have this go through the Legislature. He said he told Senator Seabaugh that he would survey the Board and give him the Board's consensus by e-mail tomorrow.

Commissioner Frady said he did not know if he could support this. He said he could not tell what Fayette County citizens were getting for their money.

Commissioner VanLandingham said he would assume that this would be more of the same and he wanted to voice his opposition to it. He recommended that A.R.C. start cutting the dues by 10% over the next three years.

Commissioner Wells said she would be willing for the money to stay the same but she wanted the A.R.C.'s service to increase by 10%

Chairman Dunn said the thing that he found particularly disturbing was not the \$.10 raise this year because they had not had a raise in nine years but it was the fact that the A.R.C. then wants to write out the legislature in the future and handle the raise themselves. He said at that point he felt the county would just be sent the information when the A.R.C. decided to raise the dues. He said if the Board had no objection, he would like to notify Senator Seabaugh tomorrow that this Board did not favor this bill and would not want the Senator to co-sponsor this bill.

Commissioner Frady said he would also like to question the A.R.C. to determine if Fayette County was getting what it was currently paying for. He said he had never been convinced that the county was receiving the services it should from the A.R.C.

Chairman Dunn felt this bill would pass but he felt this Board certainly needed to be heard and also that the bill did not need to pass with the concurrence of any of Fayette County's Legislators.

Commissioner Frady said he recalled at one time Cobb County hinted to the fact that they might pull out of the A.R.C. because of the lack of services.

Chairman Dunn interjected that Cobb County had voted in favor of this bill.

Commissioner Bost said he did not have a problem with the increase since there had not been an increase in the last ten years, but with the Board's concern about the A.R.C. being able to set the fees in 2003, he would vote against it.

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On motion made by Commissioner Frady, seconded by Commissioner Bost that Senator Seabaugh be notified that the Fayette County Commission was not in favor of this Senate Bill. The motion carried 5-0.

EXECUTIVE SESSION: On motion made by Commissioner VanLandingham, seconded by Commissioner Bost to adjourn to executive session to discuss four legal matters and two real estate items. The motion carried 5-0.

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

The board took no action on this matter.

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

The board took no action on this matter.

LEGAL: Attorney McNally reported to the Board on a legal matter.

On motion made by Commissioner Bost, seconded by Commissioner VanLandingham to approve the recommendation made by the County Attorney. The motion carried 5-0.

REAL ESTATE: Attorney McNally briefed the Board on a real estate matter.

The board took no action on this matter.

REAL ESTATE: Attorney McNally reported to the Board on a real estate matter.

It was the consensus of the board for attorney McNally to proceed in this matter.

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

The board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Bost to authorize Chairman Dunn to execute the Executive Session Affidavit affirming that four legal matters and two real estate items were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 7", 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 9:05 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 7th day of February, 2001.

Karen Morley, Chief Deputy Clerk