

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, April 28, 2005, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Peter Pfeifer
A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris Venice, Acting County Administrator
William R. McNally, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

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

RECOGNITION OF RYAN C. CAUELLE ON HIS ACHIEVEMENT AS AN EAGLE SCOUT:

The Board recognized Ryan Caudelle for his achievement as an Eagle Scout.

Chairman Dunn remarked that Ryan had achieved the Eagle Scout award at the age of 13. He said this accomplishment represented years of energy and effort devoted to learning and serving others. He said in the world today it was increasingly difficult to find young men and women who were eager and willing to work toward achieving a goal, especially one as noble as reaching the Eagle Scout status. He said we often learn that some of our Country's finest leaders were involved in Boy Scouts as youngsters and perhaps the future holds an important leadership role for Ryan. He asked Ryan to explain his Eagle Scout project.

Ryan remarked that his Eagle Scout project was gathering school supplies including medicine and various other items for a mission trip to Thailand. He said he had the privilege of taking these donations that he had received from local businesses to an orphanage for abused children and other orphans in Thailand. He said he was able to distribute these items to the orphanage.

Chairman Dunn pointed out that Ryan had accomplished this at the age of 13. He congratulated Ryan on his accomplishment and read a citation in the form of a letter that was signed by the Board of Commissioners.

REZONING PETITIONS:

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

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

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

PETITION NO. RP-033-05:

Zoning Administrator Aaron Wheeler read Petition No. RP-033-05 for a Revised Final Plat, Tunis Trace Subdivision, Vincent Crow, Owner, and Carl Christensen, Agent. He said the request was to subdivide Lot 17 which consists of 7.84 acres into three (3) single-family dwelling lots. He said this property is located in Land Lot 54 of the 5th District, fronts on Marron Road and Inman Road, and is zoned R-20. He said the Planning Commission recommended approval subject to the recommended condition 5-0 and Staff recommended approval subject to one (1) recommended condition.

Carl Christensen remarked that he was the Agent for the owner of the property. He said he would like to subdivide the property into three single-family dwelling lots of 2.1 acres, 2.1 acres and 3.64 acres. He said he had recently started building houses and it was hard for a small builder to buy lots in Fayette County. He said he had found this opportunity and was just trying to make it work.

Chairman Dunn asked if anyone was present who would like to speak in support of this petition. Hearing none, he asked if anyone wished to speak in opposition to the request. He acknowledged that 37 people indicated that they were opposed to this application. He asked how many of these individuals would like to speak at the podium and he counted three people.

Jeff Brooks, 218 Marron Road in the Tunis Trace Subdivision said he had lived there for the last thirteen and a half years. He presented the Board with a sample of the 38 homes that were in Tunis Trace Subdivision. He commented that most of the homes were not visible from the street and the lots ranged in size from 3 acres to 13.8 acres. He remarked that on May 4th, 2000 the Board of Commissioners approved a four acre lot to be subdivided. He said the residents appeared before the Board to object. He stated the applicant had explained that he was building a home for him and his daughter. He said the residents had changed their minds and decided not to pursue it. He said that was not exactly what happened. He said there were two homes built on the lot and one was up for resale. He said the home was currently up for sale. He said they did not want that to happen again in this subdivision. He said their attorney Buck Murphy remarked that Tunis Trace was a nightmare for Fayette County due to the subdividing of the lots. He said he had purchased eight acres and divided it with his parents never once thinking of it as being a problem. He said in splitting that lot it would be 3.92 acres each. He said the adjoining lots were 3.16 and 3.17. He remarked that the lot across the street was 13.8 acres. He said they felt that splitting this lot in half would be more appropriate and would maintain the integrity of the neighborhood. He said to his knowledge Mr. Christensen had no previous track record of building and to his understanding he was a roofing contractor. He said their homes were their biggest investment and they wanted the property values to be protected. He said they had built in Tunis Trace to avoid homes being stacked on top of each other as in the neighboring Clayton County. He said the setbacks for Tunis Trace were 100 feet from a paved road and 50 feet from the sidelines and not 60 feet from the road and 15 feet from the sidelines. He asked for the Board members to put themselves in the homeowners' shoes and deny this proposal.

Glen Dearing, 155 Marron Road, Tunis Trace Subdivision. He said he had just recently moved to this subdivision in May, 2004 because of the large lots and large homes. He said to his knowledge the homes were a minimum of 2,000 square feet. He said the idea of dividing a lot into three smaller lots would not be something that he would like to see.

Herb Hudson, Marron Road in Tunis Trace Subdivision. He said he and his wife had lived on Marron Road for the last twenty-five years. He said their home was one of the first to

be built on the street. He said they had moved there with the understanding that everyone would have three or four acre lots and it would stay that way from now on. He said he objected to dividing up this lot into three or four spaces. He said the house on the other end of the street that was previously divided up had no backyard. He said the first thing that they had done was bring cars in to work on and all of their equipment was exposed to everyone. He said he just wanted to voice his opposition.

Chairman Dunn asked Mr. Christensen if he would like to address any of the comments made by these three individuals.

Mr. Christensen replied that he did have a roofing business and that had been his main living. He said he was getting older and did not want to be on a roof so he had started a building business two years ago. He said he had built three homes so far – one in Senoia, two in Fayette County. He said one of the homes in Fayette County was \$432,000 and the other was in the amount of \$395,000. He said he was currently building two houses with one being in the \$750,000 range on Rivers Road and one on Lees Lake Road for \$469,000. He said to the best of his knowledge he was not asking for any smaller lots than were already in that subdivision. He said there was already two lots that were two acres and he would keep his lots over two acres.

Chairman Dunn asked Mr. Christensen what the size of the homes would be.

Mr. Christensen replied that he tentatively had a pre-sale that would be \$322,000 and was 2,200 square foot house with sides brick with a basement. He said the bank would not allow him to build anything smaller than 1,800 square feet on a \$75,000 two acre lot.

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

Commissioner Wells said she would like to make a motion for the purpose of discussion.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve Petition No. RP-033-05 with one recommended condition (1) There shall be no immediate access for lot 17A to Inman Road. All drive cuts to be on Marron Road with no access to Inman Road. (This condition is to ensure the provision that all lots access the street with the lowest classification ensuring compliance with the Development Regulations requirement 8-52b), discussion followed.

Commissioner Wells said this was a very problematic situation for her. She said Mr. Christensen had previously appeared before the Board requesting four homes. She said at that time the Board indicated to him that it would be comfortable with three homes. She said she always has a problem with a platted subdivision that was completed and then the rules change. She said people come in and they buy with a certain expectation and then when the rules change, she did not feel this was fair to the existing homeowners. She said there were 37 people who live in that area who were going to be adversely impacted. She

felt this was a significant number of people who had certain expectations when they purchased their lot. She said she even had a struggle with this for three lots.

Commissioner VanLandingham said there had been some comments about the size of the house. He commented that all of the surrounding property was zoned R-20 which allowed a 1,200 square foot house to be built on every lot in that subdivision. He said there was one down from this that was R-40. He said he did not know what size houses Mr. Christensen was contemplating putting in but the Board could not do anything about it because it was zoned R-20. He asked if lot 17C was the larger lot and Mr. Christensen replied yes.

Commissioner Pfeifer remarked that this was not the first time the Board had heard this request. He said he was reluctant then and he was also reluctant now. He said he would reluctantly support three lots.

Chairman Dunn clarified that Mr. Christensen had said that the Board previously said it would go along with three lots. He said some members went along with it but he did not. He said he did vote against the request that Mr. Christensen had presented the last time. He said that request was for four homes and this current request was for three homes. He said this Board had a problem with the Tunis Trace Subdivision. He said the Board's predecessors subdivided this subdivision several times. He said this was not normally done but this subdivision was subdivided. He said when a Board sets a precedent like that it was very difficult for Boards who follow to hold the standard to what it should be. He said therein lies the problem. He said when the Board was doing this the last time with four houses, only one or two people that objected to this were even at the meeting. He said one of the people said three houses would be alright. He said he was not in favor of subdividing any platted subdivisions. He said the motion was to approve this change to allow three lots on this property. He said there was a motion and a second and he would call for the vote.

The motion carried 3-2 with Commissioner Wells and Chairman Dunn voting in opposition. A copy of the Investigation, Staff's Analysis and recommended condition, identified as "Attachment No. 1", follows these minutes and are made an official part hereof.

Chairman Dunn remarked that this Board had done something here that it did not normally do and unfortunately this problem had occurred in this subdivision a couple of times. He asked Mr. Christensen to be very cognizant of the subdivision and take a look at the homes already in this subdivision. He said he had visited the subdivision a few days ago looking at the properties and he remarked that no small house of 1,200 square feet would look right there. He said he hoped Mr. Christensen would build properties that were in line with existing community.

Commissioner Frady commented that this Board had on several occasions turned down splitting lots in an R-70 zoning where someone wanted to make one acre lots out of two

acre lots. He said it was difficult for him to vote against this request because it was a legal vote and what Mr. Christensen wanted to do was legal. He commented that this was an R-20 zoning. He said Mr. Christensen was putting lots in there that were twice as big as that and in one case three times. He felt the Board would be in serious trouble if someone decided to take a legal position on this because it was an R-20 zoning and they were one acre lots.

Commissioner VanLandingham said his position was similar to Commissioner Frady's position. He said he could not find a legal way to reject this simply because everything around it was zoned R-20 and that was what Mr. Christensen was asking for. He said actually Mr. Christensen was exceeding the requirements for R-20 zoning in his lot size. He said he did not like to subdivide subdivisions either but when it was legal and he could not find a legal way to reject them, then he saw no other way than to vote for it. He said he would also encourage Mr. Christensen to look at the surrounding houses and not destroy the neighborhood. He said that area was a great place to live and he would like to see Mr. Christensen maintain that atmosphere in that subdivision.

Chairman Dunn clarified that the vote that he and Commissioner Wells had made was certainly not an illegal vote. He said the property was zoned R-20. He said the subdivision had been built with a certain amount of lots in the subdivision and that was what they were voting to defend. He said they felt that once there was a platted subdivision, the people who bought in there had a right to believe that was the way it was going to be from now on. He said unfortunately the Board's predecessors had changed that subdivision around a few times and that made this a very difficult situation for this Board. He said he did not know if he was being fair to Mr. Christensen or not but was just trying to be fair to the people who live there and bought a house and expected it to be that way forever. He said if Mr. Christensen was trying to rezone the property then that would be a different story.

PETITION NO. 1140-05:

Zoning Administrator Aaron Wheeler read Petition No. 1140-05, Susan and Ronald May, Owners/Agents, request to rezone 0.973 acres from R-40 to O-I to develop Office Uses. He said this property is located in Land Lot 199 of the 13th District and fronts on S.R. 138, Old Highway 138, and Highland Drive. He said the Planning Commission recommended approval subject to the recommended condition 5-0 and Staff recommended approval subject to one (1) recommended condition.

Ron May remarked that he and his wife had a clinical psychology practice and they wanted to move the practice from the Atlanta area off Cascade Road to the property on Highland Road off S.R. 138. He said the property did meet the zoning for the land usage. He asked for the Board's consideration in approving his request.

Chairman Dunn asked if anyone wished to speak in favor of this request. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked the Board for its pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve Petition No. 1140-05 with one recommended condition. The motion carried 5-0. A copy of the recommended condition, staff's analysis and investigation, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1140-05, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

PETITION NO. 1141-05:

Zoning Director Aaron Wheeler read Petition No. 1141-05, Robert and Donna Price, Owners, and Carl Lange and Melissa Harris, Agents, request to rezone 5.6381 acres from A-R to O-I to develop Office Uses. He said this property is located in Land Lot 18 of the 6th District and fronts on S.R. 74 South. He said the Planning Commission recommended approval subject to the recommended condition 5-0 and Staff recommended approval subject to one (1) recommended condition.

Carl Lange remarked that he was an Agent representing Robert and Donna Price and the purchaser/developer Starr's Mill Professional Center. He said they were requesting that the property be rezoned from A-R to O-I which was in keeping with the Land Use Plan. He said the proposed use of this property was for a medical office building.

Chairman Dunn asked if anyone wished to speak in favor of this application. He counted five people wanting to speak in favor of the request. He noted that one wanted to speak.

Anthony Lawson, 170 Whitegate Drive and was the current owner of the historic Peoples house where he had his medical practice. He said he was a proponent of the property rights and just wanted to make sure that this rezoning was done properly. He said his current property was under the Highway 54 overlay and he was not sure if that was a condition of this zoning. He said he did not know if this property was adjacent to Peachtree City and any implications that might be imposed.

Commissioner Frady asked if this was the first piece of property just past the Animal Shelter.

Chairman Dunn pointed out that there was a 50 foot piece of county property between that property and the City of Peachtree City.

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

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve Petition No. 1141-05 with one recommended condition. The motion carried 5-0. A copy of the recommended condition, staff's analysis and investigation, identified as "Attachment No. 4", follows these minutes and are made an official part hereof. A copy of the

Ordinance and Resolution approving Petition No. 1141-05, identified as "Attachment No. 5", follows these minutes and are made an official part hereof.

ORDINANCE NO. 2005-09 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, 7-1., B. CONDITIONAL USES ALLOWED, 3. AUTOMOBILE, TRUCK, FARM EQUIPMENT, OR MOTORCYCLE SALES AND REPAIRS:

Zoning Director Aaron Wheeler remarked that this item was consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, 7-1., B. Conditional Uses Allowed, 3. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Repairs as presented by the Zoning Department. He said the Planning Commission recommended approval 5-0.

Mr. Wheeler said the Board of Commissioners had actually passed an amendment in June, 2005 concerning this particular issue as far as automobile repairs in C-H and automobile repairs in M-1. He said after that discussion it was brought to staff's attention that there was still somewhat of a discrepancy where automobile sales and repair could be done. He said staff was attempting to correct that at this time by breaking out the use of sales and repair as sales and/or repair to allow somebody to repair automobiles as a heavy repair conditional use without having to sell automobiles at that location.

Chairman Dunn said he recalled Commissioner Frady had pointed out this discrepancy at that time and it was finally coming back to the Board to make it right.

Chairman Dunn asked if anyone wished to speak in favor of this change to the ordinance. Hearing none, he asked if anyone wished to speak in opposition and there were none. He asked the Board members for their pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional uses, Exceptions, and Modifications 7-1., B. Conditional Uses Allowed, 3. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Repairs. The motion carried 5-0. A copy of Ordinance No. 2005-09, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

PRESENTATION BY DART, A NEW BEGINNING, INC.:

Jim Friday remarked that he was present on behalf of a group of people wanting to discuss the DART facility. He said DART stood for Drug and Alcohol Rehab Treatment, a New Beginning, Inc. He said this would be a treatment center for teenagers. He remarked that this was getting to be a bigger problem every year throughout the Country and the national average was something like 11% were on drugs and alcohol was 17%. He said Cynthia Grant of the Health Department had gotten these figures for him. He said Georgia was a little bit less than that and was running 15% and 10%. He said the 15% was for alcohol

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and he commented that alcohol was still the leading factor with kids. He said the county had some land off located close to the landfill and the Spring Hill Elementary School. He said this was the land that they were interested in using for this facility. He said the facility would be a 5,700 square foot facility and would house up to 16 people. He said they were going to designate this a boys' treatment center. He noted that there were some girls' treatment centers fairly close by but there was nothing here for boys. He said they wanted to make sure that there was a bed for any child if he really needed it and really wanted it. He said they did not want to turn anyone away because of money. He said treatment centers have gone out of sight because of insurance companies and so forth. He said they hoped that this facility would be like the youth homes and it would be open to anybody that needed it.

Mr. Friday further remarked that Square Foot Ministries, Inc. had offered to help in this endeavor. He said Doug Higgins represented this organization and was also on the DART Board. He said they could cut the cost down 25% to 30%. He said with the county's help on the land they believe they could get the cost of this project down to where construction could begin. He said the facility would still cost approximately \$490,000 to construct. He said they might be able to lower the cost some but not a whole lot. He said it would cost approximately \$1.5 million per year to keep 12 to 16 boys at the facility. He remarked that Judge Schell of Juvenile Court felt the majority of these boys would come from his court. He said if there were any beds left over then these would be taken on request from families. He said the programs would center around a twelve step program similar to alcoholics anonymous and narcotics anonymous. He said they would be looking at treatment both of these. He said personally he did not see a lot of difference in alcohol and drugs. He said both of these ruin people's lives and kills them. He said alcohol still leads in this Country as far as the drug of choice and was the cause of more teenage deaths in this Country than anything else. He said he would be glad to answer any questions that the Board might have.

Commissioner VanLandingham said he did not have any questions but did have some comments. He said he had spoken with some of the members on the DART Board. He said they had asked the county about some land and an inventory had been done. He said this was the most suitable and usable piece of property that the county owned. He said he wanted to clarify the use of the property. He said it would be a lease agreement between the county and the DART program. He remarked that the county would still maintain possession of the property should it ever revert back to nothing then the county would own what was on the property as well. He said the figures he had indicated that the national average was 21% of all teenagers were users of alcohol. He said the need was very definite and he felt this program would be a great benefit and a service to the community. He said a lot of people feel that the affluence of Fayette County would insulate it from conditions such as this but on the contrary it was the exact opposite. He said it was proven that the affluent societies or the middle class people have more problems with drugs and alcohol than any other groups. He said there was a problem and there was a need and he felt this would be a way that could benefit the community and still preserve

the integrity of the government. He said he would support the use of this property for DART.

Mr. Friday remarked that the figures he had previously quoted were two years old. He remarked that in 2002 there were 90 arrests in Fayette County, in 2003 there were 130 arrests and in 2004 there were 98 arrests but that was only up to the first of October. He said he also felt that Fayette County would have less problems but on the contrary—drug dealers were not stupid and they go where the money is. He said Fayette County had more than its share of problems.

Commissioner Wells remarked that this property might look like the ideal place on paper but it was not. She said this property was part of the landfill that the county purchased this property because there was seepage. She said the Board would not want anybody to be on that property as far as residing on there and this would be a very injurious place to build such a facility. She said even if philosophically the Board decided that this was an action that the Board should get involved in it would be negligent on the Board's part to allow someone to build something of that nature on this property. She said the property might look pretty on top, but it was not.

Commissioner VanLandingham asked if this was landfill property.

Commissioner Wells said there had been some leakage in that area.

Chairman Dunn remarked that there was seepage on that land and this was the reason the county had purchased it. He said it was a five acre piece of property and a road that divides it. He said on one side of the road there was a hot measurement there. He said the county had measuring devices out there and the county was mitigating the leakage of methane gas from the old dump. He said the county had to take measures and submit its mitigation plan to the State of Georgia. He said this would dissipate over time but over time would be quite some time. He said it was in just one section of the five acre piece of land that there was the hot reading. He said the county had purchased the property as a buffer. He said methane moves through the ground and comes up in different places over time. He remarked that the county purchased not only that five acres but purchased more acres down the road from this. He said he felt the exact same way as Commissioner Wells and stated that he would not want anybody on that property.

Commissioner Frady asked if the property was being tested now.

Chairman Dunn replied yes, the property was still being tested.

Attorney McNally interjected that the property had monitoring wells on the southern portion of this piece of property. He said there was a hot reading on the southern portion of the property.

Chairman Dunn remarked that there could be a hot reading on one portion of the property and next week there might be one on another area of it. He said this was the reason the county had purchased the entire piece and this was done in 2001. He said the county also purchased property down the street and also in a subdivision so that the public could be protected.

Commissioner Wells said initially the Board did not think there was seepage in certain directions because it was contrary to what the geologist thought. She said the Board had proceeded with some test holes and unfortunately it was doing things that were not anticipated. She said anything in that area was really problematic because no one would know what it might do.

Mr. Friday remarked that there were some other pieces of land around the county that might work. He said DART really needed the county's help. He said if this project was going to work then they needed the county to be involved.

Commissioner Frady asked Mr. Friday who he had been working with in the county.

Mr. Friday replied that they had been talking with Commissioner VanLandingham primarily.

Commissioner Frady said the only other thing that he knew to do would be to check and see if there was any other property available in the county.

Mr. Friday remarked that there was also property located behind the Fire Department on S.R. 54 and it would be even more suitable than what they were looking at.

Commissioner Pfeifer said he would like to make some comments about this particular situation. He said first of all he did recognize that the County did have a tremendous need here in the county. He reminded everyone about the two teenagers who had pleaded guilty to murdering one of the girl's grandparents. He said this could be attributable to drugs. He said he would like to thank all of the people tonight who were involved in the proposed DART facility and trying to doing something about this problem. He said he was looking forward to a discussion and a debate because the county did not typically aid non-profit organizations about why this might be an exception or not until he saw the location. He said he would never vote to put a facility like this next door to an elementary school.

Mr. Friday interjected that if a facility like this did go in next to an elementary school it might help those kids never have an alcohol or drug problem. He said the kids in this facility would not be there during the day but would be at the alternative high school.

Commissioner Frady suggested Mr. Friday working with Commissioner VanLandingham and see if there was other property that might interest the Board and go from there.

Chairman Dunn said he was aware of some properties that the county owns but he did not know of any that would be appropriate for this. He said the county had purchased this particular property to protect the public and not to use it. He said this Board was certainly familiar with Mr. Friday and the Friday Home and how it had helped so many young people. He said the Board certainly understands the need for this facility. He said the question remains where would the county fit with all of the non-profits who have great programs and the role of the County Commission in that. He questioned if the county should take the taxpayers' money and support this non-profit as opposed to other non-profits. He said the Board gets many, many requests from other non-profits. He said he had spoken to a School Board member about this and the location of it and they had said that they did not want this facility located near a school particularly an elementary school. He said even if Mr. Friday found another piece of property that might be appropriate, the Board would have to take a hard look at that. He said the question was the proper role of government with non-profits and how far the county can go. He said the county could not help all of these non-profits even if it wanted to. He said this property belonged to the taxpayers.

Commissioner Frady remarked that this county could make agreements and contracts with other entities but he did not know if there was a place to consider that.

Mr. Friday remarked that this was an epidemic and the county and DART were in this together. He said the county was going to see more of what Commissioner Pfeifer remarked on previously. He said there had been juvenile suicides in this county. He said DART was in a hurry but it needed to be.

Chairman Dunn remarked that the senior center was a different issue. He said the Board had a required government function to perform and requirement to perform that service.

A representative of DART remarked that ultimately they would want this to be a relief as far as the tax burden goes on the county. He said this would be privately funded and they planned on raising every bit of the money privately to run it, fund it, build it and operate it. He said if something like this did not happen, then ultimately it would be a burden on the taxpayers of Fayette County.

Commissioner Frady felt it would be great to have something like this and he did not feel like DART had asked for any taxpayers' money so far. He said if the county had an available piece of land that it could lease them, it would be a benefit because the property was just sitting there now and not collecting taxes.

Mr. Friday said he did not know how much it would cost to keep a kid in jail but in this facility it would cost approximately \$50,000 a year to keep a kid in there for about one year. He felt it would be cheaper than putting the kid in prison later. He said they could get money from the State for about half of this project and they were still looking at the other half. He said if they can cut these costs down, then this would bring the whole operation down a good amount. He said he was begging the Board for the kids' sake.

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Mr. Friday asked Commissioner VanLandingham what he thought about the property behind the fire station.

Commissioner VanLandingham said he was not familiar with the property and he would have to look at it. He said he would have to check this out with the Fire Department to see if there was a proposed use for it.

Commissioner Frady asked exactly where this was on S.R. 54.

Mr. Friday replied that it was off Flat Creek Road. He said the county owned approximately five or six acres back in there and it would be a beautiful location.

Commissioner VanLandingham said he would be glad to check out what was there and what the Fire Chief had planned for that property. He said he did not realize the county owned that land.

Commissioner Frady said approximately five years ago the Board had discussed building the animal Shelter there and that was not feasible.

Commissioner VanLandingham said the Board would check out this location and get back to Mr. Friday.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve the consent agenda as presented. The motion carried 5-0.

FINANCE DEPARTMENT: Approval of request from Director of Business Services Mark Pullium to authorize the Chairman to execute documents to complete lease schedules with the Georgia Municipal Association (GMA) as required for processing draw requests 203-6 and 203-7 related to equipment purchased by the County. A copy of the documents, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

COOPERATIVE EXTENSION SERVICE: Approval of request from the Cooperative Extension Service to give the county ownership of four new computers that are the matching funds computers that the County and U.G.A. purchased 25/75 split. A copy of the Memorandum of Understanding, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

EMERGENCY SERVICES: Approval of recommendation from Chief Jack Krakeel of Emergency Services' to increase project #P6012 in the amount of \$500 (Severe Weather Warning System) and donation revenue for donation received from Georgia Power Company to be used for siren installation. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT: Approval of recommendation from the Sheriff's Department to increase overtime expenditure \$2,806.77 and miscellaneous revenue for check received from the U.S. Department of Justice for overtime incurred in a joint investigation, net impact zero. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

ANIMAL CONTROL: Approval of request from the Director of Animal Control Miguel Abi-Hassan for budget adjustment increasing animal Shelter's Building Maintenance Expenditure Account and Revenue Account for a \$5,000 donation from Fayette County Humane Society to purchase a Solartube. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

ANIMAL CONTROL AGREEMENT WITH FAYETTEVILLE: Approval of Agreement with the City of Fayetteville for the County to provide Animal Control services for the City (new Agreement will replace existing one). A copy of the Agreement, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meetings held on March 24, 2005 and April 6, 2005.

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.

Denise Mask: Denise Mask, 442 Kelly Road, Brooks commented on the amended noise ordinance. She said she was one of the landowners whose boys ride their bikes in the backyard. She said they also had neighbors who come over and ride with them and they enjoy it. She said they have eleven acres and she would never have dreamed that her boys would be not be allowed to ride their four wheelers or their motorcycles. She said they had bought a meter to measure the sound level and now her boys could not ride their bikes. She said the only neighbor that she was aware of that had complained wanted to purchase three acres of her property. She said she was not interested in selling her property and she told the neighbor that her boys would be getting motorcycles to ride. She said the neighbor's son was 15 years old and he rode her property three years before her sons got motorcycles. She said her neighbor had gotten mad at her after seeing the track

in the backyard and realized that she would not be selling the property to her for her horses. She said after that the neighbor had complained about her boys riding their motorcycles. She said the name of her neighbor was Margaret Sisson and this was in the newspaper. She said her sons had a right to ride their motorcycles in their backyard. She said her family had been in Fayette County for six generations. She said her husband's family had lived here for eight generations and they had never had a problem with riding motorcycles or four wheelers. She said she rode them when she was growing up and she was having a hard time understanding this. She said she realized that there was a noise problem sometimes. She said she told her neighbor if there was a problem with the noise just to let them know and they would work with them on that. She said because she was not willing to sell Ms. Sisson the land, then Ms. Sisson was not willing to work with her. She felt someone needed to reconsider this and be fair to the kids. She said these kids were not out doing drugs or out drinking. She said when they built their track they had also built it with Ms. Sisson's son in mind because he had been riding with her boys.

Greg Mask: Greg Mask, 442 Kelly Road, Brooks commented on the amended noise ordinance. He said the previous speaker was his wife. He said their kids ride their bikes in their backyard where they can see them. He said they had been married for ten years and in this time they have had the track for one year. He said for the nine years before that they watched kids ride up and down the dirt road without helmets, unsupervised and going any speed that they desired. He said they had built this track trying to help the kids get off the dirt road and make it a little safer. He said they did not allow anyone to ride on their track that did not have a helmet. He said they even keep spare helmets in their barn so if they did not have one they offer them one. He said they did not want the kids to have to load up and go down the road. He said he had nephews who were five and six years old who ride. He said if it were not for his track, the teenagers would have to load up their bikes and travel to South Georgia to ride. He said the teens would be inexperienced drivers traveling 40 or 50 miles just to be able to ride the dirt bikes and four wheelers. He said he would rather see these young people in the backyard being safe, supervised and having a good time. He said they were not asking for any county help but trying to do their part to keep their own kids at home. He said since the noise ordinance, they had purchased a decibel meter to check the sound from the bikes to see which would be legal. He said he just felt like there was no consideration as far as silencers. He said this would cut down on the speed of the bikes but the noise would be lower. He said he was not talking about adults drinking and making a lot of noise all hours of the night. He said they had met all of the curfews and even tried to get along with the neighbor. He said they were even allowing the neighbors to utilize this property and they had not complained about it one bit. He said even after his neighbor started complaining, she was still dumping horse manure on his property and they did not say one word. He said the neighbor has complained just because they would not sell her the property. He said Ms. Sisson had started complaining the day after the track was finished and had not even given it a chance to see what it was going to be like. He said the very day the track was completed, Ms. Sisson banned her son from the property.

Mr. Mask asked the Board for some clarifications on the new ordinance. He commented that in one article it mentioned that in residential areas the legal decibel limit was 55. He said in the article it did not specify motorcycles. He said on the next page where it specifies motorcycles it said 78 decibels. He asked the Board if he would go by 55 or 78 decibels. He said this had come out in the newspaper there had been two more complaints and the Marshal had come out to talk with them. He said before the new ordinance they had at least six visits from various Marshals and Deputies telling them they were not doing anything wrong. He said then all of a sudden they were doing something wrong. He said they were the ones who told him to come tonight and get the Board to clarify some of the articles in the ordinance.

Chairman Dunn said this was not the proper place to debate the ordinance. He suggested Mr. Mask contact the County Attorney's Office or the Marshal's Office and they would be glad to clarify the ordinance.

Commissioner Wells said County Attorney Bill McNally or County Administrator Chris Venice would be glad to clarify the ordinance. She said Mr. Mask could contact them at the County offices and they would be glad to answer any questions.

Chairman Dunn said he wanted to make one thing clear. He said the Board had not put a new ordinance in because Mr. Mask's neighbor had complained about this situation. He said the neighbor was merely one person who talked to the Board. He said the Board had received many, many complaints. He said there were three or four locations in the County where people were being much worse than this situation as far as the number of riders and the time frames but the noise level was the same. He said the Board had taken this action for the entire county and not just because Ms. Sisson complained about Mr. Mask.

Mr. Mask said it was his understanding that this was based on the amount of complaints at the Marshal's Office.

Chairman Dunn remarked that the Marshal's Office had received tons of complaints. He said the Board had taken that under consideration. He said there were some people in the county who were having dirt bikes and so forth going around the clock and disturbing people's sleep. He said these bikes were running day and night. He commented that if the silencers bring the noise below the decibel level, then the bikes would not be in violation.

Commissioner VanLandingham said he wanted to ask Mr. Mask a question regarding his speaking with the Marshals' Office. He asked who the Marshals had referred Mr. Mask to in order to clarify this.

Mr. Mask replied that the Marshals' Office told him to attend this Commissioners' meeting tonight to get clarification on the ordinances.

Chairman Dunn remarked that since the Marshals' Office enforces this ordinance, then they should know everything about this ordinance.

Will Mask: Will Mask, 442 Kelly Road, Brooks said he was Denise and Greg Mask's older son. He said he had seen Ms. Sisson's son riding out back before he ever dreamed of getting a dirt bike. He said the bike cost over \$5,000 and he makes a payment every month and still owes approximately \$3,000 on the bike. He said one day he was riding his dirt bike alone and Mr. Sisson had come over making threats to him. He said he had filed a police report on Mr. Sisson's harassing threats. He said he would much rather have his friends over to his house to ride than have to drive out of the county. He said his family had even purchased a permit for the one acre ground disturbance. He said the track only takes up one acre out of the three acres that they live on. He said the permit was for riding trails but now he cannot ride anything.

Chairman Dunn said Mr. Mask could provide a copy of the permit to the Board.

Andrew Matusek: Andrew Matusek, Ebenezer Road commented on the amended noise ordinance. He said he rides his bike at his home and his parents are there to watch. He said no one rides on their track without a helmet. He said no one had ever complained to the police about their track. He said it would hurt a lot of people if this ordinance passed. He said they were zoned A-R and this was one of the reasons they had moved to Davis Road which was a dirt road. He said they put a track in and they had trails. He said if this ordinance passed, they would have to possibly leave the county. He felt this would hurt more people than it would help.

Chairman Dunn interjected that this ordinance had already passed. He said if no one complained about this then the noise level might not be high enough to be in violation. He said if someone complained about this track then they would have to go out and measure the noise. He said if the noise was not at a certain level, then Mr. Matusek would not be cited. He said the noise level must be measured from the other person's property and not the track area.

Commissioner VanLandingham suggested Mr. Matusek speak with the Marshals' Office and have them come out and measure the noise to see if he was in violation.

Roxanne Blessitt: Roxanne Blessitt, 240 Marron Road, Fayetteville commented on the amended noise ordinance. She said she had raised four children. She said before there were a lot of neighbors moving in it was fine for her children to ride on her six acres. She said she knew where her children were at all times. She felt the decibel level was a little bit too low and she felt it needed to depend more on how much property there was. She felt eleven acres would be substantial enough property to have a track. She said the Board needed to look at this closer.

Stephanie Higgin: Stephanie Higgin, Old Norton Road, Fayetteville commented on her neighbors removal of trees. She said the trees happened to be on her side of the property line. She said the tree removal company did not ask her about the property line and proceeded in removing the trees. She said there was also a gentleman who lived further to the back of her property who was getting rid of tons of trees by himself. She said one of her neighbors built a shed and was unaware of the property line. She said the shed was right in the middle of the property line. She said there was a new owner on that property now and they were not going to do anything with the shed.

Commissioner Wells suggested Ms. Higgin contact the Marshals' Office and they would check on this situation.

Ms. Higgin also expressed concern about an abandoned piece of property near her home. She said this property had been abandoned for quite some time. She said there was always somebody hanging around there and the windows were broken out.

Chairman Dunn remarked that the Marshals' Office would also check out this situation.

Toby Blanton: Toby Blanton, 384 Kelly Road, Brooks commented on a motor cross track. He said he had a motor cross track on his property and over the last three or four years of living there he had spent close to \$50,000 on this track. He said in the last couple of months the track had been leveled because of this ordinance. He said everything that the Masks had said was true about their neighbors. He stated the problem with the Masks' neighbors was not the track but other issues just coming to a head. He felt instead of just completely abolishing people from riding on their property in the county would be to come up with a plan that would still allow people to ride their bikes only on certain days of the week and during certain hours. He pointed out that Mr. Lynn Lovelace who lives just off Ebenezer Church Road spent approximately \$100,000 on this track alone and it was just sitting there unable for his four kids to ride on it. He said a lot of information that had been stated about the Mask track, Mr. Lovelace's track as well as his track might be incorrect information. He said maybe on one occasion at the Mask track was there too many people at one given time. He said that was really what set the systems off. He said generally speaking at any of these given tracks there was no more than two or three people riding at one time and they only ride for an hour or two. He said this was not an every day sun up to sun down event. He said it would be really good especially for the kids if the county could come up with a plan that would still allow them to ride and to make their neighbors happy.

Commissioner Frady asked Toby Blanton if he was a pilot and Mr. Blanton replied yes. Commissioner Frady remarked that Toby was a pilot for Ted Turner.

Commissioner Wells said she wanted to remark on the comments that were made tonight. She said this was not designed as an anti-motorcycle ordinance. She said no one was saying that people could not ride motorcycles. She said people can ride their motorcycles

and dirt bikes. She said the Board was just concerned about the number of people doing this in one area at one time and the decibels getting too high. She said the noise would have to be measured from the complainant's property on their side of the property line. She said the noise level could not be measured right next to the bike. She said this would regulate noise county-wide and would involve every type of noise. She remarked that this was not a motorcycle ordinance. She said if there were ways to diminish the noise then she would encourage people to do so. She said if anyone had a question about this then they could speak with the Marshals' Office. She said the Board would make sure that the next time the Marshals' Office was contacted that they had a full understanding of what the ordinance says and how it should be applied. She said if there were any questions that the Marshals could not answer, then people could contact the County Administrator or the County Attorney.

Commissioner Pfeifer remarked that this ordinance would not forbid anyone from doing anything. He said in this case of motorcycles if the muffler noise could be reduced by distance or neighbors who did not care, then there would not be a problem. He said there had been problems throughout the county of people who wanted to do what they wanted to do on their own property and they destroy all of their neighbors from enjoying their property.

Commissioner Frady said he would like to see certain times of the day and certain days of the week when people could ride these bikes.

Chairman Dunn said he understood some of the comments tonight about these tracks and he certainly understood the parents who wanted to keep their kids near them. He said he had gone to a piece of property near his home. He said there were ten or eleven people riding dirt bikes and four wheelers and there was an outrageous amount of noise that was coming from the property. He pointed out that the property owner was not even there when this was going on. He said the property owner had not even finished building the house yet. He said people were just driving down the road, onto the property and then driving out. He said everybody was not as good about this as some of the people the Board heard about tonight. He said the only thing the Board could do would be to try and protect people's hearing and protect their lifestyle. He said unfortunately some people abuse this.

STAFF REPORTS:

ANIMAL CONTROL AGREEMENT WITH THE TOWN OF WOOLSEY: Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute the Animal Control Agreement with the Town of Woolsey.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Animal Control Agreement with the Town of Woolsey. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

ANIMAL CONTROL AGREEMENT WITH THE CITY OF PEACHTREE CITY: Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute the Animal Control Agreement with the City of Peachtree City.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Animal Control Agreement with the City of Peachtree City. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

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

EXECUTIVE SESSION: On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to adjourn to Executive Session to discuss one legal item. The motion carried 5-0.

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

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize Attorney McNally to proceed in this matter. The motion carried 5-0.

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 5-0. A copy of the Affidavit, identified as "Attachment No. 15", 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 8:55 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 26th day of May, 2005.

Karen Morley, Chief Deputy Clerk