

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, May 26, 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.

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.

QUIK TRIP #807 PACKAGED BEER AND WINE SALES PERMIT APPROVED:

Director of Zoning Aaron Wheeler remarked that this item was a request for consideration for a Packaged Beer and Wine Sales Permit for Quik Trip #807, 1846 S.R. 85 North, Fayetteville, Georgia. Quik Trip Corporation, Owner and James Allen Kubala, Applicant. He said this property was located in Land Lots 232 and 233 of the 5th District, fronted on S.R. 85 North and S.R. 279 and is zoned C-H.

Chairman Dunn asked if the applicant was present and no one responded. He noted that it was not necessary for the applicant to be present. He asked if anyone wished to speak in favor or in opposition to this request. Hearing none, he asked the Board for its pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Frady to grant the Packaged Beer and Wine Sales Permit for Quik Trip #807. A copy of the application, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. The motion carried 5-0.

PETITION NO. 1142-05:

Director of Zoning Aaron Wheeler read Petition No. 1142-05, Kevin and Karen Hannani, Owners, and South East Georgia Home Builders, Inc., Agent, request to rezone 1.477 acres from R-20 to A-R to be combined with a 1.284 acre tract and a 4.614 acre tract for a total lot size of 7.38 acres to develop one (1) single-family dwelling lot. He said this property was located in Land Lot 6 of the 5th District and fronted on McBride Road. He said the Planning Commission recommended approval subject to the recommended conditions 5-0 and Staff recommended approval with recommended conditions.

Chairman Dunn asked if the owner or the agent was present for this rezoning request.

Director of Zoning Aaron Wheeler interjected that he did not see either the owner or the agent for this petition and remarked that they had been notified that they needed to be present tonight for discussion.

Chairman Dunn asked if the Board could proceed without the owner or the agent present.

Assistant County Attorney Dennis Davenport replied yes, the Board could proceed.

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

Mary Leasure, 170 Mask Road, Fayetteville questioned the property consisted of 1.4 acres located to the left of the proposed tract. She said this strip of land backed up to a small lake. She said she was interested in purchasing that property rather than have it included in the development of a subdivision. She said she lived with her mother and their house was the second house on Mask Road.

Commissioner Frady interjected that this request was not for a subdivision. He said it was one lot with one house.

Ms. Leasure said she would still be interested.

Commissioner Wells said the property would expand out to 7.3 acres to develop one house.

Ms. Leasure said she would still like to talk to the person making the request to see if they could purchase this 1.4 acres of property. She said her property was zoned R-20 to the West.

Chairman Dunn said the intention was to take the middle piece and make it A-R like everything else. He said the sliver was part of the property that was included in the request for rezoning. He remarked that three of those tracts would be combined to a 7 plus acre tract for one house.

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

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to approve Petition No. 1142-05 with two recommended conditions. The motion carried 5-0. A copy of the recommended conditions, 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. 1142-05, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

CONSIDERATION OF PROPOSED AMENDMENT TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE XIII. POST-DEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT: This item was presented by the Engineering Department. The Planning Commission recommended approval with one (1) condition 5-0 as follows: If the State permits the plan to be approved by a registered landscape architect, the county will approve such addition to the ordinance.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE VII. WATERSHED PROTECTION ORDINANCE, SECTION 8-201. WATERSHED PROTECTION AREAS, 12. STATE WATER; SECTION 8-202. APPLICABILITY, B. SMALL WATER SUPPLY WATERSHEDS, 1., 2., AND 4., AND F. STATE WATERS; SECTION 8-203. RESTRICTIONS, F., 1., 2., AND 3. AND AMEND LETTERING OF REMAINING SECTIONS BY CHANGING EXISTING F. TO G. AND G. TO H.: This item was presented by the Engineering Department. The Planning Commission recommended approval as submitted 5-0.

Commissioner VanLandingham said he would like to request that the above two items regarding proposed Amendments be tabled to the June 9th Board of Commissioners' meeting. He said he had some questions about these two items and was not prepared to vote on them tonight.

Chairman Dunn remarked that Acting County Engineer Phil Mallon had previously discussed these items with the Board on May 4, 2005 and he recalled they had been tabled to this meeting.

Executive Assistant Carol Chandler interjected that the Board had previously discussed these items in a briefing and they were scheduled tonight for a public hearing.

Chairman Dunn asked for a brief description as to what needed to be achieved. He said the Board's policy was on the first go round of discussion that the Board would automatically table an item if it was requested by a Commissioner.

Commissioner Wells said she had spoken to Commissioner VanLandingham earlier and she felt he had a lot of questions that he needed clarified by Mr. Mallon.

Commissioner VanLandingham felt these were serious questions for him and he felt there was some verbiage that needed a closer look.

It was the consensus of the Board to table item C. and D. to the June 9, 2005 Board of Commissioners' meeting.

ORDINANCE NO. 2005-10 - AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE VIII. OFF-STREET PARKING AND SERVICE REQUIREMENTS, SECTION 8-223. LOCATION AND SURFACE OF PARKING AREAS:

Acting County Engineer Phil Mallon remarked that this item was for the Board's consideration of proposed amendments to the Fayette County Development Regulations regarding Article VIII. Off-Street Parking and Service Requirements, Section 8-223. Location and Surface of Parking Areas as presented by the Engineering Department. He said the Planning Commission recommended approval as submitted 5-0.

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Mr. Mallon remarked that this was a proposed change to existing regulations. He said currently the regulations read that the parking of automobiles on non-paved surfaces such as grass was prohibited. He said this change would remove that prohibition. He said this was being proposed because this section as written was very difficult to enforce on a consistent and fair basis. He remarked that after talking with the zoning department staff he believed that there was other language in both the zoning ordinance and the development regulations that provided some protection against people using their front yards as junk yards or sales lots.

Chairman Dunn remarked that the current language of the ordinance was if an individual owned a five acre piece of property, a vehicle could not be parked even with one tire on the grass. He said this pertained to the unintended consequence of something that was done in the past.

Mr. Mallon said he would be glad to address any questions the Board might have.

Chairman Dunn said this was a public hearing and asked if anyone wanted to comment in favor or in opposition to this change in the regulation. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve Ordinance No. 2005-10 - Amendments to the Fayette County Development Regulations regarding Article VIII. Off-Street Parking and Service Requirements, Section 8-223. Location and Surface of Parking Areas, discussion followed.

Commissioner VanLandingham asked Commissioner Pfeifer how long the Board had been working on this.

Commissioner Pfeifer replied that it had been a long time.

Commissioner VanLandingham said he agreed and remarked that this was exactly why he wanted to table the watershed ordinance. He said this ordinance had been on the books and people could not live with it. He said this was the reason he had suggested tabling the above two ordinance amendment requests. He stated it was hard to get ordinances changed once they were on the books.

Chairman Dunn clarified that the unintended consequence was a negative one but there were still provisions in other sections of the Code that would be prevent the problems that the Board was trying to prevent with this one such as junkyards and car lots on someone's front lawn.

Mr. Mallon replied that he felt there was sufficient protection against junkyards and used car lots.

The motion carried 5-0. A copy of Ordinance No. 2005-10, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE III. STREET DESIGN STANDARDS AND SPECIFICATIONS, SECTION 8-52. RESIDENTIAL ACCESS (A) RESIDENTIAL DRIVEWAY CUTS AND (A)(1); (3) EXCEPTIONS, (C) CIRCULAR DRIVEWAYS; SECTION 8-48. MINIMUM RIGHT-OF-WAY WIDTHS AND DEDICATION REQUIREMENTS, (1) MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTHS, MINIMUM PAVEMENT WIDTH: This was presented by the Engineering Department. The Planning Commission recommended approval as submitted 5-0.

Acting County Engineer Phil Mallon remarked that this was a proposed change to Article III of the Fayette County Development Regulations which was the street design section. He said the changes were two fold. He said the first and more substantial one was that the revision would allow property owners to now have up to two driveways for their property. He said the current regulations limit all lots to one driveway. He remarked it was felt that the lot sizes, house sizes, accessory structures that were typical within Fayette County lend themselves sometimes to more than one curb cut. He said the demand for this was seen through the enforcement issues and problems with this ordinance. He said there were also some editorial changes clarifying minimum travel lane widths for arterial and collector roads. He said this was not a design criteria change but was more of a clarification in how the ordinance was written.

Chairman Dunn clarified that the major change was that in the past there could only be one driveway on a piece of residential property. He said now there could be two driveways.

Commissioner Wells interjected that this applied in certain circumstances.

Chairman Dun said one of the problems was curb cuts. He said the proposal said that there could be two driveways and a circular driveway was counted as one this meant that there could be four curb cuts on one piece of property. He asked if this was what staff wanted to do.

Mr. Mallon replied that he was a little indifferent to that. He said in most cases where there were circular driveways they tended to be in subdivisions where access and visibility was generally very clear. He said staff had discussed this with representatives of the Sheriff's Department as well as Emergency Services regarding emergency response. He said they felt within subdivisions this would not impede their ability to respond.

Chairman Dunn felt the problem of four curb cuts would not occur in subdivisions but on larger pieces of property on an arterial road.

Mr. Mallon responded and said the violations that were showing up now were mostly homes in subdivisions that were recently built and permitted by the county having three curb cuts.

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Chairman Dunn said he understood but that was a different problem with traffic than on an arterial road.

Commissioner Frady questioned under the existing ordinance that if there was a drive through driveway there would have to be two curb cuts. He said a person could not have a drive through driveway unless there were two curb cuts.

Mr. Mallon replied yes, that was correct.

Mr. Mallon remarked that the proposed ordinance would allow two driveways that would go to different structures on someone's property and they did not have to be connected. He said a homeowner could have two separate driveways.

Chairman Dunn interjected that they both could be circular driveways. He said a corner lot could have two curb cuts directly next to the corner on both sides.

Mr. Mallon replied yes, the way it was written that would be allowed.

Chairman Dunn said this was his concern with this and that was too many curb cuts.

Commissioner Wells agreed.

Chairman Dunn said he did not have a problem with two driveways but had a problem with two circular driveways that would result in four curb cuts on one piece of property.

Commissioner Frady said this could be limited to one circular driveway.

Chairman Dunn agreed and said he would like to request that this item be tabled to the June 9th Board of Commissioners' meeting.

Commissioner VanLandingham said he had a call from a gentleman who owned a large tract of land close to 200 acres and he had a driveway going into his pasture where trucks can enter to fertilize his pasture. He said this person had to tear that entrance up before they would give him a permit to build a house. He said under the old regulation, this person would have to have a 20 ton fertilizer truck drive past his house using his home's driveway thereby tearing it up to get into his pasture. He said there were instances where more than two curb cuts could be utilized.

Mr. Mallon said the case Commissioner VanLandingham just described concerned him. He said for last year or so agricultural driveways had not been counted. He clarified that the Board was concerned with the idea that someone could have two circular driveways in a subdivision.

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Commissioner Wells said this was mitigated somewhat by saying that it must have a minimum of 100 feet of immediate road frontage.

Chairman Dunn said that would still be a curb cut every 20 feet.

Mr. Mallon said he felt the reasoning behind that was that there had been requests for a mini driveway where guests could be dropped off in front of the main entrance. He said if the house was on a corner they would have pretty elaborate garages or secondary entrances. He said staff felt it was feasible that someone would want to repeat that process for boats or trailers.

Chairman Dunn felt this problem could be worked out and distance factors put in.

Mr. Mallon said he would rework this ordinance per the Board's suggestions.

Chairman Dunn suggested this item be tabled to the June 9th Board of Commissioners' meeting as well.

It was the consensus of the Board to table this item to the June 9, 2005 Board of Commissioners' meeting.

ORDINANCE NO. 2005-11 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE III. DEFINITIONS, SECTION 3-12. BUILDING HEIGHT: Director of Zoning Aaron Wheeler remarked that these proposed amendments were to the Fayette County Zoning Ordinance regarding Article III. Definitions, Section 3-12. Building Height as presented by the Zoning Department. He said the Planning Commission recommended approval as submitted 5-0.

Director of Zoning Aaron Wheeler remarked that currently the method for measuring building height in Section 3-12 required that someone in the field determine the average grade prior to determining the overall height of the building. He said this was also done at the completion of the building when it was harder and more costly for a developer or builder to make any changes. He said this came to staff's attention when during an inspection a building inspector noticed the structure from the rear appeared to be four stories. He said based on conversations between the Zoning Department and the Building Department staff had come up with what they felt was a better and more accurate method for measuring building height that could be used at the permitting process correcting this issue. He said this would strike out using the median or average grade and use the median height of the basement in a building. He said staff could lay out a set of blue prints for the building and determine the building height at the time the permit was issued thereby hopefully solving this problem in the future.

Commissioner Frady asked if there was a minimum or a maximum on the basement height.

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Mr. Wheeler replied that was actually covered by the building code. He said most builders did not want to have to get into the requirements when stories were added to a building. He said in doing so, the building code actually regulated that and it would not be necessary in the zoning code.

Commissioner Frady asked if the maximum height of the basement was listed.

Mr. Wheeler replied no, it actually listed it as if the basement would not be counted as a story thereby possibly invoking a completely different building code from the residential code and then it could not exceed 12 feet or half of the basement being exposed to daylight and he was not sure of the third provision. He said as long as none of these were triggered, the basement was not counted as a story. He said most builders did not want that because it would throw them into the non-residential building code as opposed to the residential building code.

Chairman Dunn asked if this would be easier for everyone or harder.

Mr. Wheeler replied that this would be much easier. He said staff had actually tried to put this into practice and it was extremely easier than before.

Chairman Dunn remarked that it was very difficult for the home builder and their agents to get it right.

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

Commissioner Frady said he would like to see the Board take into consideration at some point in time a four story home with sprinkler system on top. He said this would not add children to the schools and no traffic to the street but would add to the digest.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve Ordinance No. 2005-11 - Amendments to the Fayette County Zoning Ordinance regarding Article III, Definitions, Section 3-12. Building Height. The motion carried 5-0. A copy of Ordinance No. 2005-11, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2005-12 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE:

Director of Zoning Aaron Wheeler remarked that these proposed amendments were to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, B. S.R. 85 North Overlay Zone, 4. Architectural Standards, a. as presented by the Zoning Department. He said the Planning Commission recommended approval as submitted 5-0.

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Mr. Wheeler said the overlay zone during the summer went through a re-write. He said after re-writing it and looking at it recently with an application that came in, staff realized that this particular requirement for a pitched roof was still in the S.R. 85 North Overlay Zone. He said this was an oversight by staff that it was included, staff wanted to correct it because the particular character of the S.R. 85 North corridor did not lend itself specifically to pitched or peaked roofs and lends it more to facade or parapet style building. He said this was what staff was encouraging with this amendment.

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

Mr. Wheeler pointed out that other overlay zones did require a pitched roof and this was taking it out and making it optional.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve Ordinance No. 2005-12 - Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions and Modifications, Section 7-6. Transportation Corridor Overlay Zone, B. S.R. 85 North Overlay Zone, 4. Architectural Standards a., discussion followed.

Chairman Dunn remarked that staff had done a lot of work here to clean up some ordinances that had made it difficult for people in the county and difficult for the Board as well to require and maintain certain standards. He said staff had done this without compromising any standards that would hurt Fayette County.

The motion carried 5-0. A copy of Ordinance No. 2005-12, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

CONSIDERATION OF PROPOSED ANNEXATION FROM THE TOWN OF TYRONE:

Chairman Dunn remarked that this was an addendum to this Agenda and proper notice had been given to add it. He said this was consideration of proposed annexation from the Town of Tyrone for 2.54 acres in Land Lot 107 of the 7th District, fronting on Farr and Tyrone Roads and owned by Johnny D. and Jo B. Rusin.

Assistant County Attorney Dennis Davenport remarked that the County had received an Annexation Request from the Town of Tyrone. He said with the amendments to the State law with respect to annexation procedures, the time frame in which to respond to these types of requests have been shortened tremendously. He said as a result the County had seven calendar days from the time it received such a request to notify a municipality if it was the County's intention to object. He said the seventh day was today. He said if the Board intended to object to this annexation request, the Board would need to make that action clear to the Town and then the County would have ten days to put an objection forward from that point. He said these time frames with respect to placing objections, receiving information, going through any type of mediation and having mitigation measures

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compared to what was done previously, these are much, much shorter. He said he had drafted an Annexation Flow Chart outlining what the process was now. A copy of the Chart, identified as "Attachment No. 7", follows these minutes and is made an official part hereof. He said he would be glad to answer any questions that the Board might have.

Commissioner Frady suggested that a letter be written to the cities and tell them that they would have to have their request in seven days prior to a Commission meeting.

Attorney Davenport remarked that the problem with that was that the City had a seven day deadline to get it to the Board once it had been filed with them. He said the City was not so much controlling what they receive. He said if someone filed a request with the City today then the City would have seven calendar days to notify the County of that. He said the Board might not have a meeting during the next seven calendar days and that was the problem with these short time frames.

Chairman Dunn said this had originated with the State Legislature.

Commissioner Pfeifer interjected that this was just one facet of one poorly written Bill that the County and its citizens must deal with every day.

Chairman Dunn pointed out that this was actually a Rider that went in on the S.P.L.O.S.T. bill last year. He said this makes it impossible for the Board to make a sound decision tonight because the Board had no information as to what the Town was intending to do with this property and no way of getting that information within those seven days. He said if the Board did not inform the Town then they could proceed with annexation right away. He said if the County informed the Town that it was going to object then there would have to be a reason but the Board could not provide a reason because there was not sufficient information. He said this was in no way a criticism of the Town of Tyrone. He said the Town submitted this request in accordance with the law. He said neither the County nor the Town of Tyrone knew what was going to be done with this property after it was annexed. He said the County was in a position of not knowing anything. He said if the property was annexed a year from now and if they wanted to rezone the property, the Town of Tyrone must come back to the County.

Attorney Davenport interjected that if there was a rezoning of the property within one year of the annexation effective date, they must come back to the County.

Chairman Dunn asked how the County would track that. He asked how the County would know when the Cities were going to consider an annexation on a piece of property in their City. He said he did not know what options the Board would have tonight. He felt it would be unfair to say that the Board objected without a reason.

Commissioner Frady said in looking at this request, he did not know that the Board would object anyway.

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Chairman Dunn said this request looked like a property owner who was just doing something that made common sense. He said it was the annexation requests coming in the future that might involve several hundred acres.

Commissioner Wells interjected that this also puts a burden on the Cities too. She said the Cities also have seven days and if they are not having a meeting during that period of time it will be difficult for them as well.

Commissioner Frady asked exactly when the seven day period started.

Attorney Davenport replied that the application must actually be filled out and submitted into the jurisdiction. He said upon submission of the application, the seven day period begins.

Commissioner Frady asked if the City had the right to refuse to go through the process.

Attorney Davenport replied that annexation was certainly not a right and the City could decide not to accept the application if they so chose.

Chairman Dunn remarked there were approximately thirty steps in the process. He said in order for the County to follow the process if it objected to the request would probably take 115 days. He said this was the time period if a rezoning was not done later on which would trigger the process again. He said the first paragraph and the last paragraph of the law stated that the City could do anything that it wanted to.

Attorney Davenport replied that was correct.

Chairman Dunn said the whole process was meaningless and it costs both entities a lot of money and time. He said he did not see much else that the Board could do other than move this request along.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells that the Board not object to the annexation request from the Town of Tyrone. The motion carried 5-0.

Chairman Dunn said the Board was reluctantly following the State law that was written and there was nothing that could be done about it at this point.

Commissioner Frady suggested someone from the County could go to the cities and discuss this with them so that some kind of a schedule could be worked out and if they would be amenable to that.

Commissioner VanLandingham suggested the County Administrator Chris Venice to handle this.

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FURTHER DISCUSSION BY DIRECTOR OF PUBLIC WORKS LEE HEARN OF THE INTERGOVERNMENTAL AGREEMENT FOR JOHNSON ROAD OVER LINE CREEK BRIDGE REPLACEMENT-FULTON COUNTY PROJECT NO. T178:

Public Works Director Lee said he had sent out a memorandum on May 16th addressing some of the Board's concerns that he heard under staff reports at the May 4th Commission meeting. He said if the Board had any questions, he would be glad to answer them.

Commissioner Frady asked what advantage this item had for the county's citizens.

Mr. Hearn replied that this was located in the Northwestern corner of Fayette County. He said there was very little of Bohannon Road actually in Fayette County. He said it cuts across from Fulton County to Fulton County. He said there was only a small portion of the road in Fayette County.

Commissioner Frady clarified that you would have to go up Kirkley Road in order to get there and Mr. Hearn agreed.

Commissioner Wells interjected that really had not answered Commissioner Frady's question.

Mr. Hearn said there had been a traffic count done by Major Hannah of the Sheriff's Department. He remarked that on Kirkley Road there were approximately 1,000 vehicles per day and on Bohannon Road there were approximately 1,400 vehicles per day. He said there was not a lot of traffic on this road.

Commissioner Frady asked if they knew what type of vehicles these were.

Mr. Hearn replied that there was a 9 ton weight limit on the bridge and there were no tractor trailers that crossed the bridge according to the traffic study.

Commissioner Frady stated if the bridge was upgraded there sure would be tractor trailers on it.

Mr. Hearn remarked that 97% of the vehicles were passenger cars and 2.5% were light trucks.

Commissioner VanLandingham asked if there was a truck terminal located around Union City or Fairburn.

Mr. Hearn replied the truck terminal was located near Creekwood Road.

Commissioner VanLandingham said he had spoken with some of the deputies at the Sheriff's Department about this. He said the deputies were of the opinion that if this bridge was upgraded to where it would accept truck traffic, then there would be truck traffic. He

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said he had spoken to some citizens in North Fayette about truck traffic there now and they said it was unbearable to try and get out onto S.R. 314 and S.R. 279. He said this upgraded bridge would only invite more people to invade North Fayette County with tractor trailers. He asked if this bridge was serving its purpose now even though it had deteriorated, why could it not be built back with the same weight limit on it and not have to do all of this extra work.

Mr. Hearn replied that he felt it was their intent to increase the capacity of the bridge in terms of weight.

Commissioner VanLandingham agreed and felt it was for a reason. He felt the reason they were doing this was not good for Fayette County and the citizens of North Fayette County.

Commissioner Wells agreed and emphasized that the cost to Fayette County was \$60,000 to fix the bridge for Fulton County's benefit.

Chairman Dunn said this situation reminded him of what the county had on Corinth Road. He remarked that the current issue before the Board involved a little more than a quarter of a mile that was a Fulton County road and because of the border of the county dips down and then goes right back into Fulton County. He said one of the reasons that they wanted to repair the road was because it was a school bus route for Fulton County School System. He pointed out that the bridge was not in Fayette County at all. He said the first time Mr. Hearn had briefed the Board he had said that if Fayette County did not help Fulton County with the money then they would not do it. He said Mr. Hearn had subsequently gone back and talked with Fulton County and now their position was that if Fayette County did not pay for this then Fulton County certainly would. He said Fulton County considered this a safety issue. He said the Board had very little to gain here by spending Fayette County Taxpayers' money because this road was a Fulton County road. He said it was to serve the Fulton County people and as far as he could see not a lot of the traffic comes from it into Fayette County.

Mr. Hearn said the road did loop right back into Fulton County.

Commissioner Frady and Commissioner Wells stated that they did not want this work to be done.

Commissioner VanLandingham said he was not willing to subject the people in North Fayette to more truck traffic.

On motion made by Commissioner Frady, seconded by Commissioner Wells that Fayette County not participate in the road improvements at Line Creek Bridge, discussion followed.

Chairman Dunn stated that the concern about it being a major truck route seemed not to be a threat to him after looking at this and seeing what it really was.

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Commissioner Frady said it might not be a truck route now but it might be when this improvement was completed.

Chairman Dunn felt it was not a concerted effort to go into Fayette County and traffic was right back in Fulton County before they knew it.

Commissioner VanLandingham said if there was anything that Fulton County could do to that bridge to limit the load limit to what it was now and just replace the bridge then he would be willing to look at that, but he was not in favor of upgrading the bridge.

Commissioner Frady said he felt sure if this bridge was upgraded the traffic would most certainly come off S.R. 74 travel down Bohannon Road and Kirkley Road and go South on S.R. 74.

Commissioner Wells interjected that there was nothing wrong on the side of Fayette County boundary and there was no reason for Fayette County to pay money to fix something that was not wrong.

Commissioner VanLandingham pointed out that the road would handle the traffic that was there now and it did not need to be increased with a higher capacity bridge. He said the citizens living in North Fayette deserved better than that.

Attorney Davenport interjected that there were a couple of components of the project as he understood it. He said one was the dollar participation and one was the agreement itself which related to allowing Fulton County to do work on Fayette County roads.

Chairman Dunn said this was what he has asked Mr. Hearn to look into. He said he had asked Mr. Hearn to determine their reaction if Fayette County made an agreement with them that they could do the work on this short piece of roadway.

Attorney Davenport asked if the not to participate vote one of dollars or agreement.

Chairman Dunn said he felt it was not to do the work at all.

Commissioner Wells said that was the motion she seconded.

The motion carried 4-1 with Chairman Dunn voting in opposition.

Mr. Hearn clarified that if Fulton County requested to do the work in Fayette County then we would not be supportive of that as well.

Commissioner Frady said the motion was that Fayette County would not participate.

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Commissioner VanLandingham said he would be willing to look at this if they kept the load limit the same as it was now. He said he saw no reason to increase the load limit to that bridge.

Mr. Hearn said it would be nice if school buses could drive across the bridge and they could not with a nine ton load limit.

Commissioner VanLandingham asked if school buses were crossing the bridge now and Mr. Hearn replied no.

Chairman Dunn said this bridge was on a bus route and the buses have to go all the way around.

Commissioner VanLandingham asked how they were operating without this road.

Mr. Hearn replied that obviously they were routing the buses around the bridge now but it was on a school bus route.

Chairman Dunn asked if the buses were being routed around into Fayette County or in Fulton County and Mr. Hearn replied that he was not sure.

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

STREET LIGHT DISTRICT - NORTH CASTLE SUBDIVISION ACCEPTED:

Approval of request from the Engineering Department to accept North Castle Subdivision as a street light district in Fayette County. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

WATER SYSTEM - INSTALLATION OF WATERLINE FOR PARKS AND RECREATION IN BROOKS:

Approval of recommendation from the Water Committee to install a waterline to take the two meters serving Parks and Recreation in Brooks off the Brooks system and begin serving them from the Fayette County Water System waterline. A copy of the memorandum, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

PURCHASING DEPARTMENT - BID AWARD TO UNIFIRST CORPORATION:

Approval of recommendation from Director of Purchasing Tim Jones to award Bid #R511 for Uniform Rental Service to low bidder UniFirst Corporation at an annual price of \$24,154. A copy of the memorandum, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

PARKS AND RECREATION - PROJECT MANAGEMENT SERVICES AWARDED TO MALLETT CONSULTING, INC.:

Approval of recommendation from Director of Parks and Recreation Anita Godbee to award Project Management Services for Phase 1 of Kenwood Park to Mallett Consulting, Inc. in the amount of \$65,000. A copy of the memorandum, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

TAX ASSESSOR'S OFFICE - TERMINATION OF MENDOLA AND ASSOCIATES' CONTRACT:

Approval of request from the Tax Assessor's Office to terminate the contract of Mendola and Associates. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

PURCHASING DEPARTMENT - BID AWARD TO TUCKER TRUCKING ENTERPRISES D/B/A SPIDERMAN TRUCKING:

Approval of recommendation from the Director of Purchasing Tim Jones to award Bid #518 (Hauling) to low bidder Tucker Trucking Enterprises D/B/A Spiderman Trucking at a price of \$55 per hour. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

PURCHASING DEPARTMENT - BID AWARD TO NAFECO:

Approval of recommendation from the Director of Purchasing Tim Jones to award Bid #519 (EMS Gear) to low bidder NAFECO, Inc. at a price of \$552.88 per set. A copy of the memorandum, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

LIBRARY:

Approval of recommendation from the Director of the Library Chris Snell to recognize donation from the Board of Education in the amount of \$2,000 increasing revenue and books and magazines expenditure (receipt #253138 dated 4/12/2005), zero impact. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT:

Approval of request from the Sheriff's Department to transfer insurance reimbursement in the amount of \$1,201.50 from the General Fund to Sheriff's Department Criminal Investigations Division budget account code 10030321-522233. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT:

Approval of request from the Sheriff's Department to transfer insurance reimbursement in the amount of \$324.00 from the General Fund to Sheriff's Department Criminal Investigations Division budget account code 10030321-522233. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

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SHERIFF'S DEPARTMENT: Approval of request from the Sheriff's Department to transfer funds in the amount of \$1,280.39 from the General Fund to Sheriff's Department Vehicle Maintenance Budget Category 10030323-522233. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT: Approval of request from the Sheriff's Department to transfer funds in the amount of \$999.45 from the General Fund to Sheriff's Department Vehicle Maintenance Budget Category 10030323-522233. A copy of the request, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

HUMAN RESOURCES: Approval of request from the Director of Human Resources Connie Boehnke for funds in the amount of \$500 to be transferred from Seminars & Dues, object #523600 to Salaries and Benefits, object #511105 in the Permits and Inspections Department. A copy of the request, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

TAX ASSESSOR'S OFFICE: Approval of request from Chief Appraiser Ellen Mills to fully or partially abate 18 tax bills on assets and real property which are determined not taxable to Fayette County in the amount of \$14,744.31. A copy of the request, identified as "Attachment No. 21", follows these minutes and is made an official part hereof.

EMERGENCY SERVICES: Approval of request from Chief Jack Krakeel of Emergency Services to transfer \$6,508.24 from Fire Operations Contingency account 27030520-579000 into Fire Operations Vehicle Repair account 27030520-522233 for repair of motor in fire apparatus. A copy of the memorandum, identified as "Attachment No. 22", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on April 14, 2005, April 28, 2005 and May 4, 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.

Charlie Boyle: Charlie Boyle, 250 Country Squire Drive, Fayetteville in Chanticlear Subdivision just off South Jeff Davis Road. He said the City had a sewer line running through there which had a tremendous problem. He said no one can sit in their backyard because of the tremendous odor coming from the area of the sewer line. He said he did not know if this might cause a health problem but the City had a tremendous problem. He said this had been there for many years. He said the residents had complained to the Board of Health and inspectors had come out but the odor was still there. He said this was

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a big problem for the City and the residents would have no choice but go to the E.P.A. unless it was cleaned up.

Commissioner Frady asked if this situation had been reported to the City of Fayetteville.

Mr. Boyle replied that it had been reported to the Board of Health a number of times and their inspectors had come out. He said these inspectors had acknowledged that this was a City sewer line that was dumping in there. He said he understands this problem goes back several years. He said he had lived there twenty-six years and this problem was not there then but he understood the problem went almost that far back. He said now the odor was back and it was absolutely terrible.

Commissioner Wells interjected that the County Administrator had duly noted his home address and would be addressing this situation with the City of Fayetteville.

Chairman Dunn asked Mr. Boyle if he had taken the time to appeal to City Council members on this problem. He said their agenda also has a public comment section.

Mr. Boyle replied no that he had not. He said he would take the time to go to a City Hall meeting to appeal to them.

Chairman Dunn asked Mr. Boyle if any of his other neighbors complained to the City or to the County.

Mr. Boyle said he knew for sure that he had approximately six neighbors complain and called up and the inspectors came right out. He said the odor was just terrible.

Chairman Dunn asked the County Administrator to get the report from the Board of Health and give it to the Commission for review.

Johnnie Jones: Johnnie Jones, 110 Lawson Lane, North Fayette said he would like to commend the Board for looking out for the North Fayette residents. He said his interest was in the progress on Kenwood Park area questioned the progress on Kenwood Park. He asked if the Board could give him an update on the progress and schedule of completion.

Chairman Dunn said public comment was his opportunity to speak to the Board about an issue but the Board could not get into a dialog with him.

Chairman Dunn asked the County Administrator to get the current schedule for Kenwood Park and make sure Mr. Jones gets a copy.

Ms. Venice pointed out that on tonight's agenda the Board did appoint a Program Manager for that project. She said there would be a schedule in the near future.

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Commissioner VanLandingham pointed out that the Project Manager which was item number 4 on the consent agenda was approved tonight.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney Dennis Davenport requested an executive session to discuss five legal matters.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to adjourn to executive session to discuss five legal matters. The motion carried 5-0.

LEGAL: Attorney McNally reported to 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.

The Board took no action on this matter.

LEGAL: Attorney McNally discussed a legal matter with the Board.

The Board authorized Attorney McNally to proceed in this matter.

LEGAL: Attorney Davenport discussed a legal matter with the Board.

The Board took no action on this matter.

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

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to authorize the Chairman to execute the Executive Session Affidavit affirming that five legal matters were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 23", 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 9:30 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

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The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 9th day of June, 2005.

Karen Morley, Chief Deputy Clerk