

The Board of Commissioners of Fayette County, Georgia met in Official Session on April 25, 2002, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
Carol Chandler, Executive Assistant
William R. McNally, County Attorney
Linda Rizzotto, Chief Deputy Clerk

Chairman Dunn called the meeting to order, offered an invocation and led the pledge to the Flag.

PROCLAMATION FOR “THE WOMEN’S SUCCESS NETWORK:

Vice Chair Linda Wells read a Proclamation proclaiming the week of June 1, 2002, as “Splash Week in Fayette County”.

The Proclamation was presented to the Founder and President of Women’s Success Network, Ms. Avon Drummond.

PETITION NO. 1089-02:

Director of Zoning Kathy Zeitler read Petition No. 1089-02, Frank B. Flanders, Jr., Owner, and David G. Hovey, P.E., Agent, request to rezone 10.19 acres from R-70 to R-45 to develop a single-family residential subdivision consisting of 9 lots. She said the property was located in Land Lot 80 of the 7th District and fronted on Coastline Road. She said the Planning Commission recommended approval 4-1 and Staff recommended denial. The Petitioner requested this item be tabled from the March 28, 2002 Board of Commissioners’ meeting until April 25, 2002.

Chairman Dunn said it was his understanding that Mr. Flanders had requested this item to be tabled again.

David Hovey, Agent for the petitioner, replied that was correct. He stated that Mr. Flanders was out of town on business and asked that the Board consider his request to table.

Chairman Dunn remarked that last month the Board had tabled the matter and Mr. Flanders had the right to table this one time. He said it was his understanding of the rules that the Board could proceed with this matter tonight or the Board could amend the rules if the Board

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so desired and put this matter off for another month. He said the longer the Board puts off a decision on this matter there could be legal complications regarding announcements and so forth. He asked for the Board's pleasure in this matter.

Commissioner Frady asked if anyone was present who was concerned with this hearing. Chairman Dunn noted that one person had raised their hand.

Commissioner Pfeifer remarked that he did not have a problem in waiting.

Commissioner Frady said he did not have a problem in waiting especially if Mr. Flanders was out of town on business.

Commissioner Wells interjected that she did have a problem in waiting. She said if this was the Board's policy, she did not see a compelling reason to put this matter off at this point in time. She said when a petitioner requests a postponement the first time they would be taking a risk but the second time a request was made something unforeseen might come up. She said this was the Board's policy and it had served well in the past. She said she did not see a compelling reason to deviate from the policy at this point in time.

Chairman Dunn said he also would oppose putting off a decision on this matter. He said he did not know if there would even be any substantive changes that would occur in the next four weeks anyway. He felt four weeks from now Mr. Flanders would be asking for the same thing.

Mr. Hovey replied that was correct.

Commissioner VanLandingham asked if this would create a hardship for Solicitor Steve Harris if the Board put off making a decision on this for another month.

Mr. Harris replied it would not necessarily create a hardship for him but he would not know until a month from now whether or not he would have a conflict.

Chairman Dunn said it appeared there was no interest on the part of the Board to amend the rules and he suggested that the Board proceed.

Commissioner VanLandingham said he regretted Mr. Flanders was out of town but he felt it was unfair to table this and have Mr. Harris come back next month.

Chairman Dunn clarified that Mr. Hovey would be representing Mr. Flanders and Mr. Hovey replied that was correct.

Chairman Dunn said the Board would proceed.

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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.

David Hovey, 145 Scott Boulevard, Tyrone stated the request was to rezone 10.19 acres which was basically bisected by Coastline Road. He said Mr. Flanders would like to get nine one acre lots if possible. He said this would be an extension of the current Ellens Ridge Subdivision. He said the reason why they had not pursued this portion of land when the rezoning was asked for the original piece was because at that time the Road Department was acquiring right-of-way. He said the Road Department had asked Mr. Flanders to hold off until they could get the correct boundaries and realignment of Coastline Road. He said Mr. Flanders had agreed. He said under the old Land Use Plan at that time, this piece of property was slated for light industrial zoning or possible light industrial zoning and Mr. Flanders did not feel it a problem to hold off at that time. He said since then Coastline Road had been realigned. He said Mr. Flanders had donated the right-of-way to the county and also donated

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a large amount of dirt that was needed for the road crossing of Whitewater Creek. He said the original zoning request for Ellens Ridge for the original 123 acres was for 80 residential lots. He said due to various buffers, wetlands and things of that nature he was only able to obtain 65 buildable lots. He said if this piece of property was rezoned to the nine one acre lots they would still be below the initial request of the 80 lots. He said he would be glad to answer any questions that the Board might have.

Chairman Dunn remarked that this was a public hearing and if anyone wished to speak in favor or against the petition could do so at this time. He asked if anyone wished to speak in favor of the petition. Hearing none, he asked if anyone wished to speak in opposition to the request.

Solicitor Steve Harris said he would like to oppose this rezoning request. He said this section of land was not zoned office industrial or light industrial but was zoned two acres. He said he was impressed with the thoroughness of the staff in their investigative report. He stated that this property was located in an area of wetlands which were the head waters of Whitewater Creek. He said if this was a question about Mr. Flanders then there would be no question but the Board should vote 5-0 in favor. He said Mr. Flanders was a fine man and had lived in his neighborhood for a long time. He said he lived approximately a half mile from this area down the dirt road portion of Coastline. He said if the county did not stop here and leave this two acres then when would it stop. He felt the Board would create a precedent in approving this rezoning. He said he opposed this rezoning request. He said every lot in his subdivision was two acres or more with some as high as ten acres and some as low as five acres. He said this property was also close to Tyrone. He said if the county granted the one acre rezoning here then what right would the county have to complain if Tyrone annexed anything. He said this was all open land and was well suited for two acre lots. He said there was no reason except for financial reasons to grant this rezoning.

Chairman Dunn asked if anyone else wished to speak in opposition. Hearing none, he asked Mr. Hovey if he wished to make a rebuttal.

Mr. Hovey replied that the petitioner would still be below the initial request for the 80 lots. He commented on the issue of a well defined buffer. He felt there would be a well defined buffer. He said there was a railroad on one side and wetlands on the other side which was the Whitewater flood plan. He said this piece of property would be trapped and there would be no reason to extend it on the other side of the railroad which was the major portion of Mr. Flanders' property. He said he was aware that the surrounding property was slated for two acre zoning. He said he had also lived in the Lees Lake Road area at one time for approximately fifteen years on a forty-five acre tract. He said he was very familiar with the area. He said Mr. Flanders would still be below his initial request for the 80 lots.

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

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Commissioner VanLandingham remarked that the current zoning was a legal zoning and was a zoning that had been made in good conscience. He said in the past fifteen months he had received notices from the Health Department regarding septic tank failures. He said he had spoken with a lady approximately three times in the last three weeks who cannot even go out in her backyard. He remarked the lady lives on a one acre lot with a \$300,000 home and no one can go out in the backyard. He said they had to get rid of their dog. He said he had a fear of one acre lots because of septic tanks. He felt the county could not rely on natural boundaries because this was in the eye of the person who was talking. He felt realistically a two acre lot was sufficient. He said of course it would cost more but someone could pay for the land or pay for a septic tank that could not be used. He said he saw no point in changing the zoning on something that would give the county problems in the future. He strongly urged the Board to leave the zoning as it currently was listed. He said he would like to make a motion to leave the zoning the way it was.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to deny Petition No. 1089-02, discussion followed.

Commissioner Pfeifer said in looking at the layout before the Board, this would clearly be bringing one zoning into another area that he saw no obvious boundaries to.

Commissioner Frady asked how long the family Commissioner VanLandingham had spoken about had lived in their home.

Commissioner VanLandingham replied they had lived there less than one year.

Commissioner Frady asked if the family had planned for a second site for the septic tank.

Commissioner VanLandingham replied that it did not seem to perk anywhere on the lot. He said there was some discussion going on now about this situation.

Commissioner Frady said they should have had a second site available to work in case the primary site failed.

Commissioner Wells said she could understand Mr. Flanders' desire to garner as much income as possible from his investment and the fact that there were wetlands in the area would encroach upon his ability to do that. She said she would have to look at the analysis that was done by the staff. She said there were a couple of issues that jump out at her. She said one of those was the report from the Board of Education. She said the Board of Education said if this property was rezoned that it was anticipated that there would be twelve new students with eight in elementary, two in middle school and two in high school. She said although that did not seem like a lot of students at any one point in time, she noted that this school was already over capacity and there were already six classrooms that were in trailers.

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She said if the Board went with the two acres there would be an estimated five students and this would be less of a burden on the school. She said this ties in with almost everything around this subject piece of property which was zoned R-70. She said although Mr. Hovey notes a natural boundary as stopping with the lines that he discussed, other people coming in would say that they were entitled to the same usage and the same development. She said it would be very hard for the Board to defend that position in court. She said if the Board proceeded in allowing the surrounding property to be rezoned, those twelve additional students would become untold additional students. She felt this would not be a good thing for the Board to do. She said a domino effect would begin and at that point in time no one would know where it would stop. She said she would have to support the denial of this petition.

Chairman Dunn clarified that Mr. Hovey had said that the original request included these ten acres and they withdrew the ten acres at the request of the county.

Commissioner Wells said she thought that Mr. Hovey had spoken with Mr. Hunter at that time at Public Works.

Chairman Dunn said he did not see anything in the record to that effect and this was in 1996.

Commissioner Frady said he and Commissioner Wells had been present when the Board had rezoned the first piece of property. He said they had supported that request. He said now the request would overrun into another land lot.

Chairman Dunn recalled that the Board at that time believed that residential was preferable to industrial. He asked Mr. Hovey if he had anything in his records that the piece of property was taken out due to the request of the county.

Ms. Zeitler replied that she did not believe that they had ever submitted anything including this property to begin with.

Chairman Dunn said he assumed if the property had been included it would have been with the rest of the property.

Mr. Hovey said he had understood from Mr. Flanders that an informal meeting had taken place. He said he was not sure who was head of the Road Department at that time.

Commissioner Frady interjected that he had not seen anything in the minutes about any meeting. He said if there was nothing in the minutes then it would not be official.

Chairman Dunn said he did not want to violate any formal agreement that might have been made. He said if Mr. Flanders did rezone this piece of land, he also had 150 to 200 acres contiguous to the property. He said although it was on the other side of the railroad track that

would not count. He said if Mr. Flanders were to come before the Board in the future and continue this development, he said the Board might have to approve a future request. He said he agreed with the Board that under the circumstances before the Board and with no pre-existing agreement that the Board was aware of, he would not be able to support this request.

Commissioner Frady felt this property would make a much better industrial park because of the noise from the trains in the middle of the night.

Chairman Dunn remarked that Ellens Ridge was just now being developed. He said that would mean another 65 homes where more children would be going in the school there. He said that school was going to be severely taxed with this development as it was already. He asked for anymore comments and there were none.

The motion carried 5-0. A copy of the Ordinance and Resolution denying Petition No. 1089-02, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. A copy of Staff's Investigation and Analysis, identified as "Attachment No. 2" follows these minutes and becomes an official part hereof.

DAN HUDSON'S DISCUSSION REGARDING PARTIAL PAVING OF QUARTERS

ROAD: Dan Hudson, 212 Quarters Road, Fayetteville said he was before the Board representing 22 households who had signed a petition requesting a continuation of the paving of Quarters Road from the rear of High Grove up to Alexander Ware Place. He thanked the Board for keeping this issue alive and he was aware that there were a lot of extenuating circumstances that go with this issue. He said he appreciated the fact that the Commissioners had not forgotten the residents on Quarters Road. He said he did have an amendment to the previous petition he had given to the Board. A copy of that petition identified as "Attachment No. 3" follows these minutes and becomes an official part hereof. He said he now had 100% support from the residents who live on Quarters Road.

Chairman Dunn clarified that Mr. Hudson had 100% approval from the residents on Quarters Road to Alexandria Way. He said Mr. Hudson hardly had anyone beyond Alexandria Way.

Mr. Hudson replied that was correct. He said it was not getting any better on Quarters Road and was only getting worse. He said he had been out in his yard for approximately four hours today. He said there was not one minute that went by that a car did not drive down the road. He said the traffic was increasing daily. He stated next year all of the high school students on Quarters Road would be attending Starr's Mill High School and this would increase the traffic even more. He said the only good days on Quarters Road were the days that have rain. He asked for the Board's support on the petition to do the partial paving.

Chairman Dunn asked Mr. Hudson to demonstrate to the audience just exactly where he was requesting the county to pave the road.

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Mr. Hudson remarked that currently the paved portion of Quarters Road starts on Redwine Road and continues through High Grove to the front corner of his lot. He said they were requesting continuation of that paving to the intersection of Quarters Road and Alexander Ware Place. He said this was approximately a half mile.

Chairman Dunn asked if there were any comments.

Commissioner Pfeifer remarked the county would pave dirt roads when certain conditions were met. He felt in this case these conditions had been met. He said the county had the right-of-way and there was also 100% agreement with the residents who were requesting that the paving be done. He said there was a recent memorandum from Mr. Cofty recommending that the Board follow Zack Taylor's recommendation that there be a professional survey of the road. He said the Board had discussed the cost of the paving and it would be a per foot expense. He said it did not matter how much of the road was paved at any one time because the expense would be the same. He remarked that the cost for the county to maintain the dirt road adds up over time. He said the section that was requesting to be paved was a straight shot from the unpaved portion to Alexander Ware Place. He said he was looking at this request as a request to pave a road and not a request to pave a partial road. He said pending the results of the survey, he would like to ask that this matter be discussed at the next Commission meeting and voted on.

Commissioner Wells asked if the survey had already been done.

Mr. Cofty responded that the survey had been done but there was some question in regard to the actual placement of the road where it fits within the right-of-way and how it would impact the specimen trees on that portion of the road. He said his memorandum to the Board was to recommend it and if the Board wanted to proceed then the first thing would be to get the right-of-way staked so that it could actually be seen where the road sits within the 80 foot right-of-way.

Commissioner Frady remarked if the road was going to be surveyed, then the entire road should be surveyed.

Commissioner VanLandingham felt there was no need to survey the entire road.

Commissioner Wells interjected that she had a problem with Mr. Hudson's proposal. She said she could appreciate his predicament and she understood the problem with dirt roads. She said her problem was somewhat two-fold. She said she had a real quandary with people who move to a nuisance. She said the road was a dirt road when the residents moved there. She said if the county had created the situation after the residents had moved there she would feel a great deal more responsibility for doing something to correct it. She said she realized that the previous Board did, however, allow High Grove Subdivision which created a lot more

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traffic down that particular dirt road. She said her concern was that the people who moved there did so with the knowledge that this was a dirt road. She said circumstances had gotten more difficult but with dirt roads that often happens.

Commissioner Wells further remarked that her second concern was that the county would be paving a certain portion or .35 miles. She said the rest of the road would remain unpaved. She said there were school buses and other citizens driving down that road who have reason to believe that the rest of the road was paved. She said all of a sudden these people would hit a stretch of roadway that was not paved and she felt this would create a hazard. She said the anticipation and expectation was that the road was going to continue on as it was at that point in time. She said it would narrow down to 60 feet and it would be a dirt road. She said the county could even post a sign saying "paved road ends" but people become distracted and probably would not see the sign. She felt the county would be creating a hazard. She said it was pretty well known at this time that Quarters Road was a dirt road and to go in at this point and change .35 miles would cause a hazard for unsuspecting people. She said she could not support the request because of that.

Commissioner Frady felt it was the Board's responsibility to improve the road for the citizens who live on the dirt road. He said the Board had held its head high on improving roads in this county. He said there were only 60 miles of unpaved roads in the county. He said he felt it was great for the Board to look forward and try to make the roads more livable and passable and because the roads were dirt now did not mean they were supposed to stay dirt. He said in the county's network of roads, this was a very important road. He said he was aware that there were a lot of people who did not want this road paved and he understood their point. He said there were other citizens out there who deserve a public road to ride on as well as the other roads to ride on. He said he had to understand from his position that the county had to improve the roads for the citizens to travel on. He said this was a very important road within the network. He said he felt the road needed to be paved.

Commissioner Wells interjected that she did not disagree with Commissioner Frady's statement but her concern was that the county would be paving a portion of that road. She said if the county was going to go in and pave the entire road, then that would be a whole different thing. She said if the county paved this small portion and then some residents down further want another portion paved, it could turn out to be some of the road would be paved, then dirt, then paved, then dirt and then paved. She said this would not be good planning.

Commissioner Frady said there was even one road off Quarters Road that was paved. He said that road should have been paved when the developer went in there. He said there had been a misunderstanding about that. He said he felt the entire Quarters Road should be paved and that was the reason he wanted the entire road surveyed.

Commissioner VanLandingham said he had a problem with paving a portion of the road. He

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said he was in favor of paving the entire road. He said for the county to spend this much money and not get all of the relief that the residents there needed, he felt this would be somewhat of a waste of part of that money. He said he did not feel that paving this portion of the road would do as much as the residents want it to do. He said if the county paved this portion and it did not work out then the other residents would see this and the county would never get the other portion paved. He said he wished there was some way to pave the entire road. He felt paving a small portion of the road was not the answer to the problem. He said he agreed that the Board would probably be creating another problem if there was paved roadway on both sides of dirt. He said he would have a problem in paving part of the road. He said he was in no way trying to minimize Mr. Hudson's problem. He said he was aware that Mr. Hudson did have a problem. He said the Board appreciated Mr. Hudson's interest and his efforts. He said there was a preliminary count on the trees. He said if the roadway stayed the way it was now there would be approximately 80 trees taken out on the 3/10 of a mile area. He said that was just the count for the large trees and did not include the smaller trees. He said he did not want to support this but if the Board votes to do it, then he would vote in favor as well.

Public Works Director Lee Hearn said he had driven down Quarters Road just before the meeting and there were 80 large trees on the south side of the road and another 50 to 60 trees on the north side of the road.

Chairman Dunn asked if these were pine trees or specimen trees.

Mr. Hearn replied that two-thirds of the trees were mature trees including pines, oaks and other varieties. He said some of the trees were small and approximately twelve inches in diameter and below. He said it would be necessary in order for the county to get State funding for this project to clear a minimum 60 foot right-of-way.

Chairman Dunn clarified if the county had to clear 60 feet, then approximately 130 trees minimum would have to be taken out. He said if the county paved the entire road there would probably be thousands of trees involved.

Mr. Hearn remarked it would be a large number for sure.

Chairman Dunn remarked that he was very glad that Mr. Hudson had gotten 100% approval to pave this portion of the road. He said that made it easier for him to say if it were possible that he would like to support that. He said he would prefer to pave the whole road. He said the county would still have to maintain the portion that was a dirt road and this was very expensive and time consuming. He said he was in favor of doing the entire road but he did not want to pave the entire road when all of the other residents there did not want the road paved. He said he agreed with the Board that he would rather see the entire road paved if any of it was going to be done but he did not want to go against the wishes of all of the other

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residents on Quarters Road. He said the Board would be going against the wishes of a whole lot more citizens to pave the entire road. He said he also hated to take down so many specimen trees because this was a beautiful part of the county. He said the Board would not be making a motion tonight on this matter.

Commissioner Pfeifer said he was puzzled by a couple of the statements and he was trying to understand how these were relevant. He commented on the issue of the number of trees. He asked if the Board wanted a policy that the county would or would not pave any road based on how many trees were growing there.

Chairman Dunn said the county did have a policy that as few trees as possible would be taken down.

Commissioner Pfeifer said he would agree to take down as few trees as possible. He said if the Board looked at this road and it had a different name from Alexander Ware from where it was not paved anymore, then the rest of the discussion would not be relevant to the paving of this section. He said in regard to where the pavement stops now, it stops now on Quarters Road. He said all the county was doing was extending the stopping point down .35 miles.

Commissioner Frady interjected that the ordinance stated that subdivision roads would be paved.

Chairman Dunn asked why the developer had not paved them.

Commissioner Frady said that was supposed to be done.

Chairman Dunn said he was not on the Board at that time and did not know what had happened. He said he also understood Commissioner Wells' statement. He said that was part of the Prestwick PUD, Whitewater Creek, The Farms and High Grove. He said these were all a part of a PUD that had been approved in the late 1980's. He said there was no contention to pave that road.

Mr. Hudson said a couple of things happened after he moved in his home. He said High Grove was re-plated. He said High Grove initially had many houses that fronted on Quarters Road. He stated it was his understanding that the Planning Commission recommended that Quarters Road be set up more as a feeder than a residential road. He said the road was not only re-plated but moved. He said they had taken what was initially zoned that had a lot of houses on it and now it basically was a little bit of a feeder. He stated Green Meadow Lane and Alexander Ware were not on the books when he had purchased his property out there. He said that was when the traffic picked up.

Commissioner Frady said the reason he said that road was supposed to be paved was

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because the PUD stated that all roads within a PUD development would be paved. He said this pertained to existing roads that were not paved would have to be paved. He said that was his understanding when this had come before the Board. He remarked that as time went on, the road was not paved. He said for some reason this had slipped by and he did not like it one bit because it should have been paved all the way through the PUD.

Mr. Hudson commented on the issue of continuing a paved road into a dirt road. He said he had a dangerous situation every time he comes out of his driveway. He said people were coming off a paved road onto a dirt road. He said this happens hundreds of times each day. He said he was not trying to minimize the affect but this was already happening out there.

Commissioner Frady remarked that this was dangerous. He commented that school buses travel this road and the roadway was not wide enough for safe passage. He said this was an unsafe road especially with more than 500 vehicles traveling on it every day.

Mr. Hudson remarked on the last traffic count. He said the last county indicated that there was well over 500 vehicles on this road. He said at this time there were a lot more vehicles than that.

Commissioner Pfeifer said he would like to get more information. He said he did not want to make a motion on this tonight especially if something turned up in the survey that he was not aware of. He said he would not want to lock the Board into a certain course of action at this point.

Chairman Dunn said the center of the road had not been determined yet and in some areas it was really bad.

Commissioner Frady said the county might end up having to move the water line on the southern portion of the road.

Chairman Dunn said he would need to see the rest of the information. He said he was not opposed to paving this portion of the road if the other negatives involved could be minimized such as the specimen trees.

Commissioner Frady said he did not say that he was opposed to paving a portion of the road.

Chairman Dunn said he thought Commissioner Frady had said he wanted to pave the whole thing.

Commissioner Frady said that was correct. He said that was exactly what he had said. He said he had not said the other portion.

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Chairman Dunn asked Commissioner Frady if he was willing to pave part of it.

Commissioner Frady said the Board had discussed this issue many times.

Chairman Dunn asked if staff's position was to pave the entire road or nothing.

Mr. Hearn said he respectfully disagreed. He said it was a lot easier for the county to maintain the paved roads. He said he would love to pave the entire road but he would also like to pave a portion of it because every mile of road that was paved would require less maintenance.

Commissioner Frady said Mr. Hearn was building a good case for paving the road. He said the county would spend more money on the road during the next few years than it would spend to pave it.

Chairman Dunn asked what would happen if the Board in the very near future would say that it would go ahead and pave the road from where the paving stops now down to Alexander Ware, he asked how long would it take to work its way up the priority list in the county to get done.

Mr. Hearn said he could see the clearing and the work beginning in late summer or early fall of 2002.

Chairman Dunn asked if this would go ahead of other scheduled work.

Mr. Hearn replied no.

Chairman Dunn said he was trying to point out that even if the Board approved this, it would not be immediate.

Commissioner Frady suggested the Board discuss this further after the Board gets more information in approximately thirty days.

Chairman Dunn said the Board would contact Mr. Hudson when it would be discussing this matter again. He said the Board would try and get this done as soon as possible.

Linda Seville raised her hand to speak.

Chairman Dunn said this was not a public hearing but she could come forward.

Ms. Seville said she lived at 239 Quarters Road. She said she was not prepared to speak until she heard some of the negatives about paving this road. She remarked that she had two children who ride a bus. She said they live directly on the curve and it was very dangerous.

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She said it was her understanding that when the road was paved the curve would be straightened out a little bit. She said this would really help the bus drivers a lot.

Chairman Dunn asked Ms. Seville if she lived near Alexander Ware.

Ms. Seville responded no. She said she lived right at the curve.

Chairman Dunn said the Board was aware of the safety issue regarding the children.

Ms. Seville remarked between 219 and 239 Quarters Road was where the water collects. She said there was no relief for the water and this was the reason for the potholes. She said the only relief would be through paving of the road.

Commissioner Frady asked Ms. Seville if she knew how many people on Alexander Ware wanted the road paved.

Ms. Seville responded that she was located on the east portion and did not know.

Commissioner Wells remarked if Grover Kneece would donate the right-of-way to straighten the curve out, would that alleviate the danger portion involving the school buses.

Ms. Seville replied that she did not know for sure. She said the potholes were huge and the buses would jump all over the road.

Mr. Hearn interjected that one of the problems involving the curve was the road being so narrow. He said if he cleared the right-of-way right now, the problem would be greatly reduced and be much safer. He said this would be a matter of taking the trees down and widening out the road. He said the road in places was extremely narrow. He said a school bus completely fills the up the roadway. He said with the right-of-way that the county currently has in hand right now, this situation could be greatly improved.

Commissioner Wells felt this needed to be done. She said regardless of whether this portion was paved or not, this needed to be done.

Chairman Dunn commented that one of his concerns was that the traffic had determined where the roadway was now rather than a logical definition by the county or anyone else.

Ms. Seville remarked there was one large oak tree that sits almost in the roadway. She said this was definitely a hazard there and something needed to be done about that tree. She said there were a lot of teenagers getting their driving licenses who would be going up and down this road.

Commissioner Wells stated the county should be able to fix that portion. She said by changing the grade of the road might change where the water collects.

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Another gentleman in the audience raised his hand to speak.

Chairman Dunn said he had thirty seconds to speak.

Jeff White, 215 Quarters Road, Fayetteville said he lived directly across the street from Dan Hudson. He remarked that his daughter was pulling out of the driveway and going left toward Redwine. He said there was a truck coming down the road traveling at a good rate of speed. He said this truck was a landscape kind of vehicle and created an incredible amount of dust. He said his daughter had seen this truck and waited to pull out after the truck passed. He said there was another truck behind the first truck that was totally obscure from sight. He said there was no way that his daughter could see the truck because of the dusk. He said an accident would happen there sooner or later.

Chairman Dunn remarked that the problem was that the road could not be paved without taking out approximately 1,000 to 1,500 trees along the road. He said this was a huge problem and it was a problem too with the other residents on Quarters Road who bought homes under the same conditions and want to keep this a dirt road. He said the Board would get the information and contact Dan Hudson as a representative of the residents and let him know when this would come back to the Board.

It was the consensus of the Board to obtain more information and to list this matter on a future agenda.

FRANCHISE AGREEMENT BETWEEN FAYETTE COUNTY AND INTERMEDIA AT&T APPROVED:

Vice President of Government Affairs for AT&T Broadband Timothy Gage stated that AT&T was the holder of the franchise that was owned by Intermedia Partners. He said this was the second franchise held in Fayette County. He said the other franchise was under the name of MediaOne of Colorado, Inc. He said AT&T would like to renew the Intermedia Franchise to really put it in line with the MediaOne franchise. He said the MediaOne franchise served approximately 8,000 subscribers in the county and the Intermedia Franchise served approximately 900 subscribers. He said in negotiations with the county and the Assistant County Attorney Dennis Davenport and Mr. Cofty was to really bring these two franchises in line. He said this agreement would be a ten year agreement similar to the MediaOne agreement with the maximum 5% franchise fee and customer service standards. He said the system in the county was already fully upgraded. He said hopefully all issues surrounding the upgrade had been addressed. He said AT&T looked forward to serving the community with the upgraded services that would come with the new network. He asked for the Board's consideration in approving the agreement presented tonight.

Commissioner Wells said she understood from Chris Cofty that this was really just a housekeeping matter. She said this was not the new contract with the merger that AT&T was

going through.

Mr. Gage said AT&T would be seeking the county's approval of the merger between AT&T Comcast under the franchise with MediaOne. He said AT&T had filed Federal Form 394 which allowed for 120 day period for review. He said it was close to the middle of that period. He said over the next several months AT&T would be seeking the county's approval of that merger and basically that would be a review of the new corporation and what that would mean to the county.

Chairman Dunn asked Mr. Gage if AT&T would be asking at that time that Comcast take over both of the franchises.

Mr. Gage replied yes that was correct. He said this was a merger of the parent level companies to see that Intermedia and MediaOne of Colorado, Inc. would be solely owned subsidiaries of the parent company. He said this was a parent level transaction. He said this would really be invisible at the local level.

Commissioner Frady asked Mr. Cofty if he recommended a ten year agreement.

Mr. Cofty replied yes he did recommend a ten year agreement.

Chairman Dunn clarified that if Comcast takes this over then they would take over the same responsibility that would be in this franchise agreement.

Mr. Gage replied yes that was correct.

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

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve the Franchise Agreement between Fayette County and InterMedia partners, providing services as AT&T Broadband, and to waive the application fee of \$10,000. The motion carried 5-0. A copy of the Agreement identified as "Attachment No. 4" follows these minutes and becomes an official part hereof.

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

STREET LIGHT DISTRICT - SHORELINE TRACE (PHASE TWO): Approval of request from the Director of Engineering that Shoreline Trace (Phase Two) be accepted as a Street Light District in Fayette County.

FIRE DEPARTMENT: Approval of request from the Fire Department to purchase two Landice Treadmills at a cost of \$2,495 each plus delivery and installation in the amount

of \$315 for a total cost of \$5,305.

SIGN REQUEST - FAYETTE BALLET: Approval of request from Beverly Williamson of the Fayette Ballet to erect a sign on the northwest corner of the old courthouse on (1) April 20 - May 3, 2002 and (2) May 27 - June 8, 2002 to advertise ballet and other dance concerts.

FINANCE DEPARTMENT - BUDGET ADJUSTMENTS: Approval of request for budget adjustments as contained in April 17 memorandum from Mark Pullium, Finance Director. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on April 11, 2002.

PUBLIC COMMENT:

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

Grover Kneece: Mr. Kneece said he would give up a portion of his land to help the county straighten out the curve on Quarters Road.

STAFF REPORTS:

COMMISSIONER FRADY: Commissioner Frady said he had reviewed the improvements listed for Lester Road and Huiet Road. He recalled the goal for these roads was before school started in the fall. He said this year it would be August 12th. He asked for the schedule for this particular intersection at S.R. 54 and the upgrade of that road.

Mr. Cofty responded that he had discussed this with the Public Works Director Lee Hearn who indicated that they were going to go ahead and start some work. He said they had already made an application for the light to be installed there. He said Mr. Hearn indicated that it would be up to the State's discretion as to whether or not they would install a light. He said Mr. Hearn was going to go ahead and start doing some preliminary work there to allow them to complete this project by August 12th. He said he had impressed upon Mr. Hearn as to the importance of this project. He said that Mr. Hearn was actually the one who had told him that he wanted to get this project completed before August 12th. He said Mr. Hearn was present if the Board had any questions. He said Mr. Hearn had assured him that they would do everything possible to get the road completed before school started.

Mr. Hearn said there was a great deal of work that the Road Department could do prior to actually spending money. He said he had some grade work and prep work that could be done there. He said it looked like the work would start some time in early June with the work on the right-of-way. He said if he was ahead of schedule and needed some money for curbing or

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asphalt he would come before the Board.

Commissioner Frady asked if decel lanes were planned.

Mr. Hearn replied that significant improvements would be made at Huiet Road and S.R. 54.

Commissioner Frady said it was his concern that this project was completed before school started.

Chairman Dunn said the other part of the understanding was that there would be some joint funding with the School Board on this project.

Mr. Hearn replied yes that was correct. He said at the school location there were some turn lanes and so forth. He stated the School's contractor would do the grading and the initial course of asphalt. He said Lester Road would also have an overlay so that the entire project would look good.

Commissioner VanLandingham said Mr. Hearn had mentioned about his spending money for grading of Quarters Road. He asked why Mr. Hearn said he would not be spending any money for the grading in this project.

Mr. Hearn replied that he was working much closer with the Board of Education now than when the south school complex on Redwine Road was in the works.

EXECUTIVE SESSION: Chairman Dunn requested an Executive Session to discuss one item of personnel.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Frady to adjourn to executive session to discuss one item of personnel. The motion carried 5-0.

PERSONNEL:

The Board discussed a matter of personnel and no action was taken.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Pfeifer, seconded by Commissioner VanLandingham to authorize the Chairman to execute the Executive Session Affidavit affirming that one personnel item was discussed in Executive Session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 6", 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 8:45p.m.

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Linda Rizzotto, 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 23^d day of May, 2002.

Linda Rizzotto, Chief Deputy Clerk

Prepared by: Karen Morley