

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, September 13, 2001, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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

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

PROCLAMATION FOR "CONSTITUTION WEEK":

Chairman Dunn read and the Board presented a Proclamation to Betty Harrah and Barbara Davenport representing the Daughters of the American Revolution recognizing the week of September 17-23, 2001 as "Constitution Week". A copy of the Proclamation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Chairman Dunn remarked that the Daughters of the American Revolution preserve and educate people in this Country about the Constitution. He said when people stop to think about some of the things that had happened in the Country during the last few days it was understood that one of the things that separated this Country from most countries in the world was that this Country was ruled by law. He said the basis and foundation of this Country's law was the United States Constitution. He said it was important for everyone in this Country to understand what the Constitution said and what it meant and try to live by the principles that guided its development. He thanked the Daughters of the American Revolution for everything that they did every day for preserving the values in the Constitution.

RESOLUTION CONDEMNING THE COWARDLY AND DEADLY ACTIONS OF TERRORIST ATTACKS ON THE TWIN TOWERS OF THE WORLD TRADE CENTER AND THE PENTAGON:

Commissioner Wells read a Resolution condemning the terrorist attacks on the twin towers of the World Trade Center and the Pentagon and also for citizens to support the President of the United States. A copy of the Resolution, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. She then asked for a moment of silence out of respect for the people who are suffering, lost and hurt.

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DISCUSSION BY EMMANUEL LEWIS REGARDING FAYETTE COUNTY'S HOME OCCUPATION :

Mr. Lewis was not present for this discussion.

CONSIDERATION OF REQUEST FROM JOAN CARLTON BUSEY TO REVERT ZONING ON A PARCEL OF PROPERTY LOCATED ON HELMER ROAD:

Attorney McNally stated that this was a request from Mrs. Busey to revert the zoning on her parcel of land which was originally zoned R-40 and zoned A-R for the purposes of locating a golf course to support the subdivision off S.R. 279. He said apparently that portion of the contract was not completed and Mrs. Busey was requesting that the county revert the zoning back to the R-40 that it was. He remarked that the Zoning Department believed that any rezoning of this property should be done on a new zoning petition since the change to the A-R zoning was done at the request of the property owner. He said it would be up to the Board as to whether or not it wanted to consider reverting this zoning to what it was before or to have it submitted to a new request. He said in any event the Board would have to go through the same procedure relative to hearings and so forth.

On motion made by Commissioner Frady, seconded by Commissioner Wells for Joan Carlton Busey to go through the regular procedures for the rezoning process, discussion followed.

Chairman Dunn said it was his understanding of this process was that if the county were to undergo the reversion process, the county would have to pay all of the fees associated with that. He said since the applicant was requesting the reversal it would seem to make more sense for Mrs. Busey to come in and ask for it to be rezoned and absorb the cost.

The motion carried 5-0.

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

PERIMETER BOBCAT, INC. - BID AWARD: Approval of recommendation from Director of Purchasing Tim Jones to award bid to the lowest bidder Perimeter Bobcat, Inc. in the amount of \$29,677.96 for a Bobcat Model #873 Skid Loader.

LAPINE TRUCKS & TRAILERS OF JACKSON, INC. - BID AWARD: Approval of recommendation from Director of Purchasing Tim Jones to approve low bidder Lapine Trucks & Trailers of Jackson, Inc. for a new dump body trailer in the amount of \$27,579.

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CRANE INTERNATIONAL OF AMERICA - BID AWARD: Approval of recommendation from Director of Purchasing Tim Jones to approve low bidder Crane International of America in the amount of \$7,700 for an electric crane to be used in the maintenance shop.

APAC OF GEORGIA APPROVED TO PROVIDE ASPHALT AND CONSULTING ENGINEER JIM MALLETT'S PROPOSAL FOR CONSTRUCTION SUPERVISION

APPROVED: Approval of recommendation from Director of Public Works Lee Hearn to approve APAC of Georgia for asphalt for the patching of county roads with \$462,000 being budgeted in the Road Department's budget 142-5671 for this purpose; and approval of recommendation by Mr. Hearn to approve Consulting Engineer Jim Mallett's proposal for construction supervision. Funds were budgeted for the construction supervision in the Road Department's budget 142-5311. A copy of the Agreement, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

FAYETTE COUNTY'S 2003 LARP LIST APPROVED: Approval of Fayette County's 2003 LARP list representing 22.73 miles of Fayette County roads requesting assistance/funding from the Georgia Department of Transportation. A copy of the LARP list, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

MARTIN-ROBBINS FENCE COMPANY - BID AWARD: Approval of recommendation from Director of Purchasing Tim Jones to award bid to Martin-Robbins Fence Company for guardrail installation in the amount of \$9,387 at McDonough Road and \$13,785 at Inman Road.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on July 26, 2001.

PUBLIC COMMENT:

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

There was no public comment.

STAFF REPORTS:

COMMISSIONER VANLANDINGHAM: Commissioner VanLandingham remarked that several weeks ago the Board was discussing the water ban and he had made a statement that was picked up by a citizen. He said this gentleman had replied to his statement and had brought forth a lot of interesting points. He said this gentleman had pointed out there were a lot of times when a business or residence had the sprinkler systems going at the same time that it was pouring down rain. He said there were several devices on the market that could be placed on these systems such as dampness sensors and timers. He

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felt if the county was going to get serious about water conservation then some method needed to be looked at regarding people putting these on their sprinkler systems. He requested staff to research the issue of private irrigation systems used at private homes.

CHAIRMAN DUNN: Chairman Dunn commented on the annexations that had recently been sent to the county by the cities. He said each one of the three cities was currently undergoing a request for annexation from different citizens. He said at the Board's last meeting the Board received an assurance from the City of Peachtree City that the development would not exceed the numbers the Board was concerned about. He said both the county and the city had some trouble getting this new system off the ground and when the county understood exactly what the City wanted the County withdrew its objection in that case. He said the County also had an annexation request from the City of Tyrone. He said there was information that the Board did not have on that request which made it impossible for this Board to determine whether or not it would object to this request. He said the way the annexation was originally written this information only had to be provided to the Fayette County Board of Commissioners if the City knew what the purpose of the annexation was from the citizen. He said when this was originally written no one could conceive of a time when the City would consider annexing a piece of property if they did not know why the annexation was being requested. He said this was what had occurred in this case. He said by the technical reading of the agreement that was signed a couple of years ago, they were not required to provide the county with any information on what the proposed use of the annexed land would be because they do not know what it is. He said this Board was, therefore, in a position not to know whether or not to object. He said there was a technicality here and Tyrone was proceeding with their annexation. He said he hoped that this was not a signal in the future any city would continue a process of annexing land without knowing what they intended to do with it or what the individual intended from the annexation.

Chairman Dunn further remarked that it was stated in a public letter to the news media from the City of Tyrone that the County directed them to send the information the way the county wanted it. He said this county could not direct a city to do anything. He said this county did not have authority over the cities and stated the cities were independent of the county. He read a portion of the letter that the county sent to the city. He said it cited the fact that the county did not know what the use of the land would be and until the county knew a decision could not be made. He said the letter also stated that Fayette County requested the City of Tyrone to provide a completed form one from the annexation agreement to Fayette County. He stated that the county did not direct the cities. He said this was another annexation that was going to take place in the county despite the fact that the individual did not tell the City of Tyrone what they wanted to do with the land and apparently the City of Tyrone did not seek to inquire.

Chairman Dunn further remarked that the third annexation was an annexation request from the City of Fayetteville. He said their response was hand delivered to him today. He thanked the City of Fayetteville for their very detailed and very thoughtful process that they went through to assist the County in developing a position on this. He said the City of Fayetteville had made certain concessions to the County's point of view and he was sure the county would receive those very well and deal with them. He said the county had some decisions that it must make

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now. He said he wanted to thank the City of Fayetteville because they had put a lot of work into this and they had worked very hard to make this process of annexation work with the county.

Commissioner VanLandingham remarked that he had talked with several people on this issue. He said since there was a certain amount of confusion on the process he said there was an effort to provide this information to the Board at the next Association of County Governments meeting so everyone would know what had to be done.

ATTORNEY MCNALLY: Attorney McNally asked the Board members if they were going to remove the county's objections regarding the City of Fayetteville's annexation request.

Chairman Dunn said the county had twenty days to do that. He said he just wanted to thank the City because they had done a lot of work and they were very helpful in sharing information with the Board.

Commissioner Frady said in reading the letter received from the Town of Tyrone they felt this matter was closed.

Chairman Dunn responded that the Town of Tyrone had the right to annex the land without knowing what it was going to be used for.

Commissioner Frady said the Town of Tyrone said it had no obligation to answer the County's letter.

Chairman Dunn said there was a line in the agreement that was made a couple of years ago that said Tyrone only had to tell the county if they know and the Town has said that they did not know.

Commissioner Frady said the Town of Tyrone was considering the issue closed.

Chairman Dunn said the Board could not object because it did not know what it was for. He said it was a technicality but he felt in this case the agreement would uphold their decision to proceed.

Attorney McNally said the county would have to go to court to have that decision made but that was what the agreement said. He said mediation would be the response within the confines of the agreement, however, since they would have basically violated it the only thing that could be done would be to seek to enjoin them from doing it.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 7:30 p.m.

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Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of September, 2001.

Karen Morley, Chief Deputy Clerk