

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, April 24, 2003, 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
A.G. VanLandingham

COMMISSIONER ABSENT: Peter Pfeifer

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
William R. McNally, County Attorney
Carol Chandler, Executive Assistant
Peggy Butler, Executive Assistant

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

REZONING PETITIONS:

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

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

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

PETITION NO. 1104-03:

Zoning Director Kathy Zeitler read Petition No. 1104-03, Tommy and Dianne Starkey and Gary and Tamara Roland, Owners, and Tommy Starkey, Agent, request to rezone 38.181 acres from R-40 to A-R to allow livestock on two (2) single-family dwelling lots. She said this property was located in Land Lots 223 and 224 of the 4th District and fronted on Carrolls Way. She said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Chairman Dunn remarked that all three petitioners present for each of the following petitions had the right to postpone their rezoning requests until there was a full five member Board present. He said one of the Commissioners had been ill. He said the good news was that it looked like Commissioner Pfeifer would be returning to the May 7th meeting.

Tommy Starkey said he was the agent for the petitioner for Petition No. 1104-03. He said he would like to proceed with this request. He said this was a request to rezone 38.181 from R-40 to A-R. He pointed out that everything colored in yellow on the map had been rezoned from R-40 to A-R since 1980. He said the orange colored portion of the map was the current A-R properties that had agricultural rights. He said one of those was zoned R-70 just north of his property and there was an actual decision by the board where they also had agricultural rights.

Chairman Dunn asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition to the petition. He remarked there were no comments in opposition and asked the Board for its pleasure on this matter.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham to approve Petition No. 1104-03. The motion carried 4-0. Commissioner Pfeifer was absent. A copy of the Staff's Analysis and Investigation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1104-03, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

PETITION NO. RP-022-03:

Zoning Director Kathy Zeitler read Petition No. RP-022-03, Charles W. and Debra D. Freeman, Owners/Agents, request approval of the revision of a recorded plat, Tunis Trace, to allow the subdivision of Lot 38 consisting of 15.4 acres into two (2) single-family dwelling

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lots. She said this property was located in Land Lot 55 of the 5th District, fronted on Marron Road, and was zoned R-20. She said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Chairman Dunn asked petitioner Charles Freeman if he wished to proceed with a four member Board and Mr. Freeman replied yes.

Charles Freeman remarked that he was the petitioner in this matter. He asked for the Board's consideration to revise the final plan to allow for a ten acre lot and a five acre lot. He said the majority of the lots in that area were less than five acre tracts but there was one other fifteen acre tract. He said in his case the five acres and the home were closer to the road. He said the ten acres would be behind the five acre tract and he would like to build a home there.

Chairman Dunn asked if anyone wished to speak in favor of the petition. Hearing none, he asked if anyone wished to speak in opposition and there were none.

Chairman Dunn asked for the exact size of the property.

Mr. Freeman replied that it was originally 13.8 acres with a 60 foot right-of-way down the right side of the property. He said the original developers in 1978 and 1979 had plans of buying of what was now The Woodlands Subdivision.

Chairman Dunn remarked that The Woodlands was behind this particular tract and Mr. Freeman agreed.

Mr. Freeman remarked that the individual who purchased the 13.8 acres originally planned to build a lake in this area. He said they had purchased the 60 foot right-of-way from the developers. He said when he purchased the property from Peachtree Bank, The Woodlands Subdivision still had the option of building a road and having access to the back side of the property. He said he had actually purchased the 15.4 acres.

Chairman Dunn said the Board would use the figure that was on the deed and that was 15.406 acres.

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

Motion was made by Commissioner Frady, seconded by Commissioner VanLandingham to approve Petition No. RP-022-03, discussion followed.

Commissioner Wells remarked that she was going to support this particular petition even though approximately one month ago the Board had denied something that on the face appeared very similar. She said this petition was different in the fact that there had been a

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number of divisions of platted property there. She said this was a large area that would encourage this type of thing. She said there were enough differences in this petition that she could definitely support it.

Commissioner Frady said this was a good point to bring up. He said there were differences.

Commissioner VanLandingham said he had the same problem until he looked at the acreage and the other plat revisions. He said this was not imposing in any way on a neighbor where the other petition would be.

The motion carried 4-0. Commissioner Pfeifer was absent.

PETITION NO. 1107-03:

Zoning Director Kathy Zeitler read Petition No. 1107-03, Ernest M. and Marilyn Adams, Owners, and Joe Ard and Shawn Saylor, Agents, request to rezone 11.691 acres from A-R to O-I to develop a Care Home. She said the property was located in Land Lot 8 of the 7th District and fronted on S.R. 54 West. She stated that the Planning Commission recommended approval 5-0 and Staff recommended denial.

Shawn Saylor said he was the agent for the petitioners in this rezoning request. He said he had prepared a package that might be used as a reference tool.

Chairman Dunn asked if this had been presented to the Planning and Zoning Board.

Mr. Saylor replied yes it had with the exception of the letter from the developer. He said the letter introduced the developer. He said this particular project was a senior citizen independent living facility. He said there would be 114 suites. He said there would be therapy centers, indoor pools, cafes on site. He said it would be fully staffed for housekeeping and would also provide a shuttle to other activities in the community such as shopping. He said the total parcel size was 32 acres but the amount that was being looked at for this development was the front 12 acres. He said at the last meeting petitioners had withdrawn their request to change any of the zoning on the back parcel. He said they were only looking at the front portion for the actual development. He said the back parcel was 19.93 acres and would remain unchanged in A-R. He said the front 12 acres was the only acreage that they were now asking to be considered for this project. He said of the 12 acres, approximately three acres would remain a green area, gardens and walk area for the clientele base to go ahead and utilize and enjoy. He said they felt this was a good fit for the community based on what was going around it. He said it was not a property that was going to eventually evolve into a nursing home or extended care facility or a drug rehabilitation center or anything of that nature. He said it would remain exactly what its original function design was and that was going to be a retirement community. He said earlier they had addressed issues that might

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have an adverse impact on the community which would be the school system. He said the Superintendent of Schools had sent back a letter stating that there would not be any impact. He said utilities were nominal. He said they had performed an independent traffic study addressing any extra burden on the ability to move traffic through that area. He said that seemed to be the key concern that needed to be addressed. He said the study showed that there should be a difference in about five more cars per hour which was a nominal amount considering the capacity for Georgia Highway 54.

Chairman Dunn asked Mr. Saylor if he had a copy of the traffic study. He said the Board had not received the study.

Mr. Saylor responded that he would be glad to supply that to the Board. He said the project would be a fit with the surrounding community as far as adjoining the assisted living and of course the Fayette Community Hospital. He said the adjoining parcel just west of the property was purchased earlier from the same owner from a group of physicians who were now using the house itself as a rental property. He said their future plan was to develop their own medical center on that particular property. He said they did not feel that this would have an impact on the adjoining properties. He said he would be glad to answer any questions.

Chairman Dunn asked if anyone wished to speak in favor of this petition.

Chairman Dunn remarked that Commissioner VanLandingham had reminded him that the petitioner needed to be aware of the fact that there was not a full Board at this time. He said the petitioner could table this item until the next meeting if he so desired.

Mr. Saylor responded that he appreciated that but would be ready to proceed with discussion.

Don Cobb stated that he was the President of Cobb and Associates Architects. He said he was the architect of record for this project. He said he was present to speak in favor of this petition. He said he had been a resident of this county since 1984 and Cobb and Associates had completed a lot of projects in this county including the Fayetteville Amphitheater, Southern Community Bank, Heritage Bank, Peachtree City Police Headquarters, Fayetteville Church of Christ, Emory Clinic and the Joseph Sams School. He said it was their charge to provide a design in keeping with buildings of architectural influence for this area. He said they felt that their previous designs demonstrated their ability to deliver a project that would be a source of pride for Fayette County. He said this retirement center had 114 units on two floors that had within the square footage a wellness center. He said within the wellness center there would be exercise equipment, spas and dressing rooms. He said the total site was a larger site that obviously was needed for this building. He stated this was by design and for good reason. He said the total proposed acreage was approximately 11.7 acres but the actual soft scape shown in heavy green and light green represented almost 7½ acres of this site. He said the soft scape included the buffers, garden areas, and nature walk. He said the lay of the land

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would allow for a detention area in the lower area. He commented on environmental problems or questions regarding septic issues. He said there were four types of soil that were found on the project preliminarily by environmentalists. He said two of those were good soils and two were not so good soils. He said it was their intent to have an on site system that would require a soil scientist to come on site and find where these soils were and make sure that the system worked properly based on these soils. He said these soils could be anywhere. He said they did not know exactly where they were but obviously they could be in the area to the east or directly behind. He said they felt this would not be a problem because of the amount of acreage that there was to deal with.

Mr. Cobb remarked in closing that he believed this project was proper for this location along the Highway 54 corridor which already included a hospital, numerous medical centers and assorted assisted living complexes. He felt this project would quickly become a necessity as the baby boomers entered their golden years.

Chairman Dunn asked if anyone else would like to speak in favor of this project. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner VanLandingham remarked that petitioner's study showed 115 trips per day and the county's study showed 372 trips per day. He said he was not trying to say anything about seniors other than his own driving habits were not as good as they were when he was younger. He said in the presentation it was not limited to 115 beds. He said even though it was the intent of the owners at this time to leave this as is, it would not preclude a future owner wanting to change it to something else. He stated this would also have a bearing on it. He said the plan indicated that there would be 115 kitchenettes and restrooms in this facility.

Mr. Saylor interjected that each of the 114 units would have a kitchenette.

Commissioner VanLandingham felt this would certainly put a lot of kitchens and restrooms on an acre of land. He said this would be sitting directly on top of a significant recharge area. He said this would create some problems. He said he did not know if the Board could address those tonight and have petitioner clear up some or all of those or not. He said these were the concerns that he had for this project.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells that Petition No. 1107-03 be denied, discussion followed.

Commissioner VanLandingham asked Mr. Saylor about the petitioner's traffic study. He said the county's traffic study had shown a figure of 372 trips which was over twice what petitioner had quoted.

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Mr. Saylor responded that initially there were two phases in this development. He said one was the retirement community and the balance was 56 homes on the remaining 20 acres. He said the number that was first submitted last April 10th included both of these phases. He said petitioner had withdrawn and decided to leave the back 20 acres basically the way it was now with A-R and no change to them.

Chairman Dunn said the information he had showed seven homes on the property.

Mr. Saylor responded that was correct when initially submitted. He said they had come forward on April 10th and revised this based on staff's recommendation that said denied. He said this was when they revised the figure to seven homes.

Chairman Dunn clarified that petitioner was also withdrawing the proposed seven homes.

Mr. Saylor said they had withdrawn that on April 10th and wanted to leave that area untouched. He said the initial numbers that they had addressed with the traffic impact were the figures shown for in and out traffic on both phases was going to be approximately 222. He said just for the 115 unit phase of the retirement center there would be approximately 124 vehicles.

Chairman Dunn remarked on the trip generation data by the Institute of Transportation Engineers showed 372 trips for 115 beds.

Commissioner Wells asked Mr. Saylor what firm had done the traffic study.

Mr. Saylor replied that this was a study done by Wolverton & Associates. He said the gentleman who had done the study was the Director of Traffic Engineering for them. He said this was a company located in Norcross, Georgia that handled traffic studies. He said this had come through the engineering firm of Cobb & Associates as a good match for them to use as a reference. He said possibly these numbers did not match either. He said their information had indicated that the capacity was basically 4,000 vehicles per hour in each direction. He said it looked like the Georgia D.O.T. was stating that at the current time there were approximately 1,200 vehicles in each direction per hour. He said this would mean a 27% or 28% capacity.

Commissioner Frady asked if there was different data to come to a conclusion on automobiles that would be based on a care home or a 115 house subdivision with kids. He asked if anyone knew that answer.

Chairman Dunn said he understood that there would be 115 beds in a facility. He said this was not 115 homes or anything like that.

Mr. Saylor responded that was correct.

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Commissioner Frady asked if bus service would be provided.

Mr. Saylor replied yes and stated that there would be a shuttle service.

Chairman Dunn remarked that the best thing the Board could do would be to leave it that the Board disagreed with the traffic survey.

Mr. Saylor replied that he was happy with that because he did not have a strong enough base to say which one he felt was correct. He said he did feel comfortable in saying that the current usage of 1,200 versus the 4,000 capacity seemed like there was enough room for 114 units.

Chairman Dunn said the Board would have to consider all of the additions of traffic. He said that road was at a much greater capacity than 27% according to the county's traffic transportation studies that were being done county wide. He said there was a little bit of conflicting data there.

Commissioner VanLandingham remarked that it stated this project was not limited to 115 beds. He remarked that the remainder of the property coupled with the 115 beds would lead him to believe that there was an expansion probably in the future.

Mr. Saylor replied no and stated this was not the plan. He said it was going to have a set number and it was actually 114 suites. He said he believed it was implied that some of the amenities included but not limited to the cafeteria and dining room, two swimming pools, whirl pool and sauna, dressing area, physical fitness facilities, activity room, laundry facilities, gift shops, barber and beauty shops, shuttle service, room service and security but not limited to other types of activities or functions. He said the 114 units was the plan that was approved.

Commissioner Frady asked if there were any plans to try and get sewer to this facility.

Mr. Saylor responded that this was not a contingency in the plan. He said they had already researched a proper system for the property based on the soil. He said that was budgeted in the total funding.

Chairman Dunn clarified that there were four soils on the property and two of those did not perk very well. He said this facility would also be sitting on top of a rather substantial recharge area. He asked what would occur if the Department of Health said that they could not put a septic system in that location.

Mr. Saylor replied he was not sure but it would be a bridge that they would have to cross when they get to that particular point. He said they had set aside funding in the amount of a little over \$300,000 to handle septic and servicing of the septic on the property itself.

Chairman Dunn said that obviously would not be the county's concern.

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Mr. Saylor replied that would be the applicant's concern.

Commissioner Frady asked who would own the apartments.

Mr. Saylor replied that they would be owned through the Hawkins Group themselves. He said he was the agent but it would be owned through the Hawkins Group and would have on site property management on the property itself.

Commissioner Frady asked if there would be thirteen employees.

Mr. Saylor replied that the total staffing including the directors, the physical therapists and nursing staff it would be approximately 15 employees. He said with the landscaping crews or shuttle drivers it might exceed that figure a little bit.

Commissioner Frady asked if these would always be rental properties.

Mr. Saylor replied yes. He said it was not going to be a facility that they were going to sell individual units out or divide up the building or units of parcels. He said they would always be there for retirement living.

Commissioner Wells said she had several concerns with this application. She said one of them was very glaringly apparent and that was the use of the verbiage "apartment" and "rental properties". She said she was very concerned with this because in essence what was being created there was an apartment building. She said even though it was being limited to senior citizens it could be dressed anyway they wanted. She said in essence that was what it was. She said this was not in keeping with the county's Land Use Plan. She said this was not in keeping with the S.R. 54 overlay. She said this was not in keeping with the Growth Management Plan. She stated that it could adversely affect the property near by. She said these were four really glaring reasons why she would have to look at this very carefully. She said there was already a burdensome use on the roads. She said they had already discussed the disparity with the number of trips every day. She said because there was no access for anyone traveling west bound in traffic and these people would have to make a u-turn. She felt this would be trashing up a corridor that the county had tried to keep very pristine. She said in addition to that there would be 114 kitchenettes, 114 restrooms, a pool and a spa area. She said there was a statement that this would have a nominal burden on the utilities. She felt with the water alone in that particular facility would have a tremendous drain on the resources in that area.

Commissioner Wells further remarked that she did not feel this was what Fayette County had planned for this area. She said she could not support apartments. She said she did not care if the apartments were for seniors or whether they were for young people or whomever, it would still be apartments. She said this project was just dressed in a prettier package. She

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said she could not support this project. She said it was contrary to everything the county had worked very hard to achieve in Fayette County.

Chairman Dunn said he wanted to be clear about some things. He said he felt this facility was a good thing for elderly people. He said his mother had lived in one of them before she passed away. He said he felt they were necessary. He said Fayette County had a couple of them now and there would probably be a need for more of them in the future. He said the question was where would these be located in the county. He questioned if these kinds of facilities should be located in the unincorporated area where the minimum lot size was one acre or did they belong in the city some place. He said this was a driving question. He said he wanted to make it perfectly clear that he agreed with Mr. Cobb that the facilities that he had built in Fayette County were outstanding. He said he was very familiar with every one that he had mentioned and they were all fine facilities. He said there was no doubt in his mind that if Mr. Cobb built this facility it would look great but the question was where did it belong.

Chairman Dunn further remarked that the request the Board had received was to develop a care home.

Mr. Saylor remarked that this was the category that it was placed in.

Chairman Dunn remarked that the first thing that Mr. Saylor had said at the Planning and Zoning Commission was that was not what was being requested. He said Mr. Saylor had said that he wanted to have a facility where people do not need assisted care and a community for retired people. He asked Mr. Saylor if he could discriminate for him the difference between an apartment complex with some amenities which would be purely residential and the proposed plan. He said to some it sounded like an apartment complex. He said it was something other than that to Mr. Saylor.

Mr. Saylor replied that the concept was to provide a community that would allow for independent living for the senior citizens in this area. He said the senior population was growing. He said the City of Fayetteville had just spent a lot of money for a study that showed the growth in this area for them and the need for housing in this area for that type of citizen. He said that particular facility was a little more than just an apartment complex where each unit and each family was independent. He said they would have their own facilities and activities that address them and also would help them to improve their particular lifestyle. He said there would be on site programs and development and activities for them to participate in. He said he believed the concept was more for the residents to have their own community that they were comfortable in and that they could reside there and enjoy that prior to going into an assisted living center.

Chairman Dunn remarked that the assisted living center that he was alluding to would be somewhere else and Mr. Saylor agreed.

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Chairman Dunn said the person would have to move from there when the time was right. He said that statement was difficult for him because he still did not see the difference. He said there were apartment complexes in the metro area that were designed for "yuppies". He said there were very few children and there were swimming pools, bars and restaurants. He said this project looked like a nice apartment complex catering to older Americans and that was a good thing but it certainly did not fit with Fayette County's land use and zoning. He said he was having difficulty with that. He questioned the facility having two swimming pools as well as a wellness center. He said the way the wellness center was described it sounded like a gym. He said there were no doctors on staff there.

Mr. Saylor said he understood what Chairman Dunn was saying but this would require different licensing and he felt it would open up a whole different avenue that would need to be addressed. He said he understood the hurdles that would have to be overcome to impress upon the Board and the other Commissioners that on the front might certainly sound like an apartment complex. He said he understood that. He stated he had lived in Fayette County for twenty-seven years and worked in this community and he wanted what he thought was good for both his family and for the community also living here. He said he felt that there was a need for this kind of facility. He remarked that this type of clientele did not really impact or elevate crime levels or have a negative impact on the school systems. He said the studies indicate that these types of facilities would have a tendency for local spending and shopping versus shopping in Atlanta.

Commissioner Frady remarked on the definition of care home as listed covered what was being requested.

Mr. Saylor replied that was the bracket that had been recommended.

Commissioner Frady said he personally felt this would fit into the overlay zone and he could not find anything in there that said it could not. He said he had reviewed this over and over again. He said this had been done for office/institutional. He said he could not see that this did not fit. He felt the traffic might be a problem but he thought the "ride in and ride out" was safer than having to try and cross the four lane highway. He said, however, that this needed some refinement in some fashion for him to support it. He said he could not support this project in its current form.

Mr. Saylor asked Commissioner Frady if he had a recommendation for the applicant to pursue.

Commissioner Frady remarked the project was planned in a large recharge area and he would have to take that into consideration.

Commissioner VanLandingham said when he brought up the 114 kitchenettes he was looking for something to change his mind. He said he had not discussed this with the other

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Commissioners at all and he was looking for something to change his mind that this project is just a really dressed up apartment complex. He said Mr. Saylor had not changed his mind yet. He said he still looked at this request as an apartment complex. He said the use of the project was good and he liked the idea. He said he agree with Chairman Dunn that this project belonged somewhere else and not here. He said other facilities would be needed for Fayette County's senior citizens and he would love to see this project go in somewhere else rather than in a significant recharge area. He said he could not support the request in its current form and at this location.

Commissioner Frady said he felt these types of projects were great. He said he had supported two of these in Peachtree City and it worked out fantastically. He said they were small homes for seniors or empty nesters as they are called. He said he would also like to see this in the county but it would have to be at another location.

Mr. Saylor asked the Board if it was primarily the location that was a concern or the concept.

Commissioner VanLandingham said it was the location that was his greatest concern.

Commissioner Frady said he did not have a problem with location if the soil was alright.

Chairman Dunn remarked that he had a problem with the location. He said his understanding of the overlay zone on S.R. 54 was apparently different than Commissioner Frady's understanding. He said while there was nothing in the books to say that the Commission could not approve this, this certainly was not the intent of the overlay zone. He said the overlay zone included three major hubs of building. He said there was one at Sandy Creek Road and one at Tyrone Road and one at Sumner Road. He said that was where the O-I and the commercial were intended to be pushed to. He stated there was an exception made for individual properties where there was a building that people could convert to something medical or some O-I use if they used the building on that property. He said this basically was for five acre lots that fronted on S.R. 54. He said the property in question goes way back. He said he had to assume that the other piece of property to donate it to the county as greenspace. He said some day that other piece of property was going to be developed into something. He said he had a problem with this and also commented that this was a residential area. He said he understood that the Dogwood facility was next door but Dogwood did fit in this zone. He said in his mind the proposed project did not fit.

Mr. Saylor said the thought for this community was because of the medical facilities that were near by and because of the assisted living adjoining property they felt it would be a natural fit based on the type of clientele that they were trying to service and provide a facility for. He said they felt this would have been a better fit for that particular type of client.

Chairman Dunn remarked that the land use and zoning for Fayette County had a minimum one acre lot size requirement and that was in the entire unincorporated county. He said the Board had never approved anything less than that except if it was O-I and commercial. He said in certain instances this would be done. He said the Board felt this proposed project was just a residential development and it would not fit anywhere in the unincorporated county at this point. He pointed out that there were five cities in the county.

Mr. Saylor said they felt the hospital area would be a good match for this particular type of facility.

Chairman Dunn said he would not argue that the property was geographically close to the hospital. He said it was hoped that the City's annexations were going to stop somewhere near the hospital and not continue all the way to Peachtree City.

Mr. Saylor said they did not have any interest in being annexed into the City.

Chairman Dunn asked the Board if there were anymore questions and there were none.

The motion carried 4-0. Commissioner Pfeifer was absent. A copy of the Ordinance and Resolution denying Petition No. 1107-03, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

CONSENT AGENDA: Motion was made by Commissioner VanLandingham, seconded by Commissioner Wells to approve the consent agenda as presented. The motion carried 4-0. Commissioner Pfeifer was absent.

PROPERTY TAX CREDIT: Approval of recommendation to approve a request for a property tax credit for CP 85LLC in the amount of \$7,656.06 for the years 1999, 2000 and 2001. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

METRO ASPHALT PAVING - AWARDED BID FOR PARKING LOT RESURFACING AT MCCURRY PARK: Ratification of Bid Award to Metro Asphalt Paving to provide parking lot resurfacing at McCurry Park in the amount of \$102,303.17. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

FISHER SAFETY - AWARDED BID FOR SELF-CONTAINED BREATHING APPARATUS: Approval of recommendation from Chief Jack Krakeel to award bid to low bidder Fisher Safety in the amount of \$350,780.50 for the acquisition of Self-Contained Breathing Apparatus and equipment. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

WATER COMMITTEE RECOMMENDATION - LOWERING OF LAKE PEACHTREE:

Approval of recommendation from Water Committee to lower Lake Peachtree two feet beginning November 1, 2003 through the end of December, 2003 for maintenance of the shore line. A copy of the memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

BUDGET ADJUSTMENT - RENTAL REVENUES AND TECHNICAL SERVICES

EXPENDITURES: Approval of recommendation from Finance Director Mark Pullium for budget adjustment to increase the budget for Rental Revenues and Technical Services Expenditures (Development Authority) for the amount of \$18,135. This amount is the estimated rental revenue related to the rental of the old Courthouse to Fayette County's Chamber of Commerce. A copy of the memorandum, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on April 10, 2003.

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.

There was no public comment.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss four legal items

EXECUTIVE SESSION: Motion was made by Commissioner Wells, seconded by Commissioner Frady to adjourn to executive session to discuss four legal items. The motion carried 4-0. Commissioner Pfeifer was absent.

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

Motion was made by Commissioner Frady, seconded by Commissioner Wells to authorize Attorney McNally to proceed in this matter. The motion carried 4-0. Commissioner Pfeifer was absent.

LEGAL: Attorney McNally advised the Board of a pending legal matter.

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Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed in this matter. The motion carried 4-0. Commissioner Pfeifer was absent.

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

Motion was made by Commissioner Wells, seconded by Commissioner Frady to authorize Attorney McNally to proceed in this matter. The motion carried 3-1 with Commissioner VanLandingham opposing. Commissioner Pfeifer was absent.

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

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that four legal items were discussed in executive session. The motion carried 4-0. Commissioner Pfeifer was absent. A copy of the Affidavit, identified as "Attachment No. 9", 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 9:40 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 7th day of May, 2003.

Karen Morley, Chief Deputy Clerk