

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, August 28, 2003 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
Peter Pfeifer
A. G. VanLandingham

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

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

PRESENTATION TO EAGLE SCOUT:

The Board of Commissioners presented a letter of recognition to Brett LaBrecque for his accomplishment of earning the rank of Eagle Scout. Chairman Dunn thanked Brett's parents, Pam and Bryan, for raising a son in Fayette County that everyone could be proud of. He asked Brett to tell a little about the project he did to earn his Eagle Scout status.

Brett said to become an Eagle Scout he had to prepare and carry out a leadership project that benefitted the community. He said he decided to pick a project that would be useful for everyone. He decided to design and build park benches to place in the parks and playgrounds in McCurry Park and at Lake Kedron. He said since the time he installed the benches he had received comments from many people in the community saying that they have enjoyed having a place to sit at the parks.

PUBLIC HEARING:

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

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speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

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

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

PETITION NO. RDP-003-3:

Zoning Commissioner Kathy Zeitler read Petition No. RDP-003-03, John Boykin of Wyant Golf Enterprises, Inc., Owner, and Michael E. Amos, Agent, request approval of the Revised PUD Development Plan for Whitewater Creek PUD for revised layout of previously approved 47 single-family one-acre units known as Golf Highlands. This property is located in Land Lot 225 of the 4th District and Land Lot 2 of the 6th District, fronts on Redwine Road and Birkdale Drive, and is zoned PUD-PRD. She said the Planning Commission recommended approval 5-0. She said staff recommended approval.

Chairman Dunn told Mr. Boykin he had the right to petition before the entire Board of Commissioners. He said Commissioner Frady was not there tonight and he wanted to advise Mr. Boykin of his right to postpone to a future meeting. Mr. Boykin said he would waive that right and proceed.

John Boykin said he was the Chairman and CEO of Wyant Golf Enterprises, a 501-C, Georgia non-profit corporation that was in the process of purchasing Whitewater County Club located in Fayette County. He said he was at the meeting to state his plan to take the Hillside nine holes at Whitewater Country Club and the current driving range, partial it together to sell to a local developer, Cypress Development He planned to place on this property 47-single family homes that were approved in 1993. He said he wanted to ask the Commissioners to approve the location of the 47 lots. He said when the new club house was built in 1996 it made operation of the driving range difficult. He said the driving range was relocated behind

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the new clubhouse to make it more feasible for operation. He said he was asking the Board of Commissioners to approve the new platt.

Chairman Dunn asked if there was anyone who would like to speak in favor of this application. No one spoke.

Chairman Dunn asked if anyone wanted to speak in opposition of this application. No one spoke.

Chairman Dunn wanted to make it clear that this land had been approved for 47 homes for quite sometime and the homes had not been built yet. He said the action of approving a new platt just moved the homes around and there was no increase in density involved in this issue. He said 47 homes were approved years ago and 47 homes, and no more, would be built. He asked Mr. Boykin if that was correct.

Mr. Boykin said that was correct.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to adopt Petition No. REP-003-03 as presented. Motion carried 4-0. Commissioner Frady was absent.

NEW BUSINESS:

PRESENTATION OF FAYETTE COUNTY RECREATION NEEDS ASSESSMENT:

Ron Salmons, Director of Leisure Services and Development, said he was bringing to the Board for their consideration and hopeful adoption the Recreation Needs Assessment Plan. He said the final report had been completed. He said the report provided the appropriate level of service of the recreational facilities and provided a guide for the CIP program in the upcoming years. He said the report was presented to the Recreation Commission at a public open house on August 12th. He said at that time the Commission approved the report and recommended Board of Commissioner approval. He introduced the Board to Lee Walton of Robert & Company, who performed the study.

Lee said he wanted to take the Board through the process and the findings of their study. He said it was a straight forward process resulting in a needs assessment for county-wide recreation needs. He said first they met with the Recreation Commission, appointed by the Commissioners, then reviewed previous planning documents and confirmed the goals and policies that had been established for Fayette County. He said next they did an extensive research and review of data. He said they looked at public input and surveys that had

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been previously accomplished. He said they looked at other countys' plans and population growth expectations. He said they did extensive surveying of existing recreation facilities in the County, both public and private.

He said the needs assessment was based on the National Recreation and Parks Association's standards for recreation facilities. He said they made modifications of standards appropriate for Fayette County. He said their assessment considered both county wide facilities and the division of the County into 4 subareas. He said needed recreation facilities were added to the system and cost estimates were presented in a manner consistent with the County's capital improvement budgeting process.

He said planning assumptions made relative to growth and demographics were that the County would continue to grow in population, though at an decreased rate, due to the County's policies of controlled growth. He said they had made assumptions that the green space program would continue forward and that there would be an emphases not only on active parks but passive parks as well. He said they also made the assumption that recreation facilities that contributed to meeting county resident's needs included not only the Recreation Department facilities but also those in the municipalities of Peachtree City and Tyrone, as well as school facilities and private facilities. He said the public input had been considered as well.

Mr. Walton said regarding the standards for projecting recreation needs, the National Recreation and Parks Association recommended that standards be modified, where appropriate, to meet local circumstances. He said they had modified standards related to passive facilities. He said there was a need shown through the surveying of the public for additional passive park facilities. He said they had modified the overall park acres per population standard. He said they modified the standard for the mileage of trails per population as well as the NRPA for community centers per population.

He said in their consideration for assumptions they felt it was appropriate to consider, for some recreational facilities, a county wide service area where it would be reasonable for residents from any portion of the county to drive to that facility in a single location. He said for other facilities it was appropriate to expect residents within a certain radius of the county to drive to those facilities. He said for those areas the county was divided into four recreation service subareas.

Mr. Walton said as far as how existing facilities contributed to meeting residents needs, the facilities under the County's Recreation Department contributed to the needs. He said private facilities in subdivisions contributed to the needs, those located at schools contributed at a

smaller percentage based on the level of access and had been discounted. He said Peachtree City and City of Tyrone parks that were adjacent to county subareas had been discounted.

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In the subarea levels, Subarea One was defined as the North Fayette County area, Subarea Two is Fayetteville and the vicinity surrounding, Subarea Three is the Brooks and surrounding area, and Subarea Four is incorporated Peachtree City and Tyrone.

He said they also included neighborhood needs analysis which was too detailed for budgeting but projections were included in the report.

He said there were a few facility types such as amphitheaters, BMX tracks, aquatic complexes and skate board parks that are county wide because it was reasonable to expect residents to use them throughout the county. He said the only county wide facility that showed a potential need was an indoor pool or aquatics facility. This was based on the standard of 1 per 50,000 in population. He said with an estimated population of 100,000 now and one existing facility in the county, they are assessing that by the year 2010 an additional facility would be needed and by the year 2020 a third facility would be needed. He said it was recommended that a feasibility study be done to determine the best way to meet this need in the county.

Chairman Dunn asked Mr. Walton if he was aware that the YMCA had a pool in their master plan and have planned a considerably size outdoor pool and that would contribute? Mr. Walton said if that is scheduled to be completed before 2010 that may well meet that need.

Mr. Walton said regarding the four subareas in the county, an overall blanket statement would be all subareas need additional passive recreation facilities. He said this has to do with higher standards recommended for passive facilities. He said in regards to county subarea one, North Fayette, this subarea had very few facilities at this time. He said there was a need for a variety of active facilities such as baseball fields, football fields, soccer fields, tennis courts, basketball courts, volleyball courts, as well as passive facilities, community centers, picnic shelters, etc. The subarea currently meets the guideline for some facilities such as softball, but those facilities are in schools where there is limited access for the Recreation Department.

Mr. Walton said subarea two was the Fayetteville vicinity. He said this vicinity currently includes both the Kiwanis Park and McCurry Park. He said the needs assessment called for additional park acreage by the 2020 time frame. He said volleyball, handball, and multi-purpose areas were needed in this area by 2020.

Mr. Walton said subarea three was the Brooks vicinity. He said there were existing county

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parks in this area. He said needs assessment showed need for additional park acreage by 2010 and 2020. He said there was a need for a track by 2010. He said a community center was needed and outdoor volleyball and handball courts.

Mr. Walton said subarea four, which was Peachtree City and Tyrone, the number of existing facilities in this area showed no further need for additional facilities.

Mr. Walton said in order to develop recommendations and cost elements for facilities it was first determined the unit cost factors for facilities. He said this was determined by experience and input from the Recreation Department based on their recent experience in building park facilities in Fayette County. He said these unit costs were combined with the projected needs for each type of facility and would yield these recommendations for future budgeting. He said there were more specific tables for each county subarea that specified for each year to add specific facilities and the cost of those facilities. He said the recommendation was in the amount of approximately \$2 million per year be allocated for adding facilities to the system until 2010 time frame. And then from the years 2010 to 2020 the amount required decreases over time. He said the needs assessment should be evaluated around the year 2011.

Mr. Walton said that was the end of his presentation and opened the floor to questions.

Commissioner Pfeifer said he had several questions but would address most in writing. He said he had a major problem with the plan that actually said a portion of the county would be discounted. He said taxes would be collected from 100% of the county but only needs of 61% of the county was considered. He said he could not support this. He said there were major portions of the plan he thought were terrific and needed. He said the specific issues were the horseshoe pits, handball, tracks, volleyball and tot lots at \$1,795,500 and he said he had been told there was a need for these but he had never seen one. He said he would like to see a plan that took that into account. He said if they put in several horseshoe pits and they were not used he would not want to build more. He said he would feel better if he saw data from other areas that said they used that number of horseshoe pits with a population of this county. He said he also felt the same about handball, tracks, volleyball and tot lots. He said he wanted to see a need and tracking process.

Commissioner Pfeifer said he would not support a pool or golf course that was publicly owned. He said they were too expensive for the public. He said the plan said something about the county to pursue co-use agreements with other entities of BMX tracks, roller blade and skateboard facilities and he said there were not any other entities.

Chairman Dunn said the fact that a golf course was on the list did not mean that the county would ever build one. He said that he concurred with Commissioner Pfeifer that it would be a long, long time before the Board would agree to build an outdoor swimming pool because

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there was one in Peachtree City and one that was going to be built right down the road. He said these things are in a long time plan but does not mean if the plan was adopted it would find its way into the Capital Improvement Program. He said this plan would be adopted as a guide with a debate each year. He said there were a couple of things in the short term plan that needed to be gotten on with and that was one reason to move the study along. He said particularly in the Northeastern side of the County there was very little and in the Northwestern part of the County Tyrone was building quite a few ballfields.

He said he thought what Commissioner Pfeifer was talking about with regard to this plan was that this plan only looked at 61% of the County that he meant it left out Peachtree City and Tyrone. Commissioner Pfeifer agreed that was what he meant. Chairman Dunn said the plan was based on an analysis on what actually existed and that corridor of the County currently exceeded the national standards so the County would not add to those cities. He said the Board now pays Peachtree City \$150,000 a year so that the citizens of the entire county could use the Peachtree City facilities that were actually built by the City.

Chairman Dunn said the County built a ballpark in Tyrone, spent over \$600,000 in a four year period, and turned it over to the City of Tyrone because they wanted to put it into their Recreation Department.

Commissioner VanLandingham said in looking at all the projects listed it was his understanding that the findings were a combination of Parks and Recreation recommendations and the wishes of the citizens. He said when facilities were built it should be made certain that they were being utilized before more were built.

Commissioner VanLandingham told Commissioner Pfeifer if he thought in any way the intent was to leave out any citizen he would object to it also. He said with adequate facilities in Peachtree City he thought it would be counterproductive to add more in that area.

Commissioner Wells said that all facilities talked about were for every citizen's use in the County. She did not see this as a discounting of use. She said she understood that this was a master plan with a constant state of flux as things change. She said it would be constantly reevaluated. She said her only concern was that there was a need to be very task minded with this plan. She said it was time to get on with it.

Commissioner Pfeifer asked the Board to postpone the vote to accept/not accept the Recreation Plan until the next Board of Commissioner's Meeting on Wednesday, September 3, 2003. It was the consensus of the Board to table this item until the next meeting.

CONSENT AGENDA: Motion was made by Commissioner Wells to approve the Consent Agenda as presented. Seconded by Commissioner VanLandingham. Motion carried 4-0. Commissioner Frady was absent.

ROAD RESURFACING LIST: Approval of proposed road resurfacing list due to Georgia Department of Transportation.

ANNEXATION ON ROCKWOOD ROAD FOR HWG LIMITED PARTNERSHIP:
Approval to issue letter to Tyrone advising the County has no bona fide objection to the annexation of 20.74 acres on Rockwood Road for HWG Limited Partnership.

REED & SHOWS METER REPAIR AND SUPPLY CO. - BID AWARD FOR WATER

METER TESTING, REPAIR AND RECALIBRATION: Approval of recommendation by Tim Jones, Director of Purchasing, to award the bid for the annual contract for water meter testing, repair and recalibration to Reed and Shows Meter Repair and Supply Co., Inc. A copy of the memorandum, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

ARX ADVANCED WATER PROTECTION - BID AWARD FOR BACKFLOW TEST, REPAIR AND RETEST: Approval of recommendation by Tim Jones, Director of Purchasing, to award the bid for backflow test, repair and retest to the low bidder, ARX Advanced Water Protection. A copy of the memorandum, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

MULTI-WAY STOP AT THE INTERSECTION OF ANTEBELLUM WAY AND SABER COURT IN JEFF DAVIS PLANTATION: Approval of authorization of the Road Department to install signage to create a multi-way stop at the intersection of ANTEBELLUM Way and Saber Court in Jeff Davis Plantation. A copy of the memorandum, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

FAYETTEVILLE FIRST UNITED METHODIST WOMEN - SIGN REQUEST:
Approval for the Fayetteville First United Methodist Women to place sign on the corner of Highway 54 & 85 from November 10-15, 2003 regarding their annual craft fair which raises funds for approximately 10 Fayette County missions. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

FRANKS TURF CARE - BID AWARD FOR MOWING
Approval of recommendation by Tim Jones, Director of Purchasing, to award a supplemental contract with Franks Turf Care for mowing services at McCurry Park. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

APPROVAL OF BOARD MINUTES

Approval of minutes for Board of Commissioners meetings held on August 6, 2003 and August 14, 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.

Ashley Watson of 295 Stoneridge Way, Fayetteville, Georgia, stated she sent a letter to each Commissioner, to their home address, and one to the Commissioner's office, reference a helicopter issue with the Fayette County's Sheriff's Department. She said she was not aware if anyone had received it.

Chairman Dunn said that they all had received the letter.

Ms. Watson said she had been given an excuse as to why the Sheriff's Department was spying on her through her bedroom window but that they had given her two different stories. She said she wanted a legitimate reason as to why the Department was about 50 feet over her house endangering her life, and why they were looking into her home. She said she felt this was harassment. She said the excuse they gave the FAA was they were there because they knew her dad's trial was coming up for an appeal. She said Fayette County had no jurisdiction in his case. She said they claimed they were above her house pointing out aspects of the house. She said that was completely ridiculous. She said that her father's case was being handled by Fulton County.

Chairman Dunn said it was his understanding the answer they gave her for being there had nothing to do with her father's trial.

Ms. Watson said the other story they told her, which came from the Sheriff's Department, was that they were there as a training exercise to become familiar with the Stoneridge Way area. She said the problem she had with that was that when she made eye contact with the pilot they left the area. She said if they were there to become familiar with the area when they saw her they would not have immediately left.

Chairman Dunn said that when he received a copy of her letter, he forwarded it to the Sheriff and asked him to reply since the Commissioner's Board had no jurisdiction on where the Sheriff conducted law enforcement, or how he conducted it in Fayette County. He said the Sheriff furnished him with a copy of his reply and that was the last the Board had heard about the incident. Chairman Dunn said the Sheriff was the proper person to respond to Ms. Watson. He said the commissioners did not know where they flew and had nothing to say about their operational training. He said they were not suppose to fly below 500 feet unless it was an emergency situation.

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Ms. Watson said the reason she came before the Board was if the helicopter was involved in an accident she thought the County was liable. Chairman Dunn said that the County was liable. She said that was why she was addressing this issue. She said they were flying extremely low.

Chairman Dunn assured her they would be in communication with the Sheriff about her concerns but the Sheriff had the authority to deploy his forces as he saw fit in law enforcement. He said he did not know if an error had been made here. He said the Sheriff's Department claimed they were in training and there was no way for the Commissioners to know otherwise. He said that if an accident did occur the County would be sued. Chairman Dunn said he was sorry Ms. Watson felt the Sheriff's Department was intruding upon her, but they had assured him that they were not. He said he had no way to know if they were training or not training.

Ms. Watson said she believed they were looking into her bedroom at her. She said she felt extremely violated. She said she wanted to bring that to the Board's attention in case they were going out and doing this to other people.

Chairman Dunn said he would personally communicate with the Sheriff's Department once again about this issue.

Chairman Dunn asked if anyone else would like to speak. No one responded.

STAFF REPORTS:

Lee Hearn, Public Works Director, announced that the McDonough Road/County Line intersection was open and operating. He said he has had good reports and had spent some time on the site and things were going safely and smoothly.

Chairman Dunn said that had been one of the most unsafe intersections in our County and thankfully it was now finished. He thanked the State of Georgia for helping with it but most of the work came out of Fayette County. He thanked the Public Works Department for their efforts.

Carol Chandler, Executive Assistant, said the Regional Mental Health Planning Board asked to use the Commissioner's Chambers for a regional meeting on September 9, from 5:30 p.m. to 9:30 p.m. She said they needed the Commissioner's approval to use the room.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, for the Regional Mental Health Planning Board to use the Commissioner's Chambers for a one-time

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meeting on September 9 from 5:30 p.m. to 9:30 p.m. Motion carried 4-0. Commissioner Frady was absent.

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

EXECUTIVE SESSION: Motion was made by Commissioner wells, seconded by Commissioner Pfeifer, to adjourn to Executive Session to discuss six legal matters. Motion carried 4-0. Commissioner Frady was absent.

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

The board took no action on this matter.

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

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

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

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

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

Motion was made by Commissioner VanLandingham, seconded by Commissioner Dunn, authorizing Attorney McNally to proceed in this matter. Motion carried 4-0. Commissioner Frady was absent.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, 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 Frady was absent. A copy of the Executive Session

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Affidavit, identified as "Attachment No. ", 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 9:10 p.m.

Peggy Butler, Deputy Clerk

Greg Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25th day of September, 2003.

Peggy Butler, Deputy Clerk