

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, June 26, 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
Peter Pfeifer
A.G. VanLandingham

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

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

ADOPTION OF RESOLUTION NO. 2003-09 - BUDGET FOR FISCAL YEAR 2004:

Finance Director Mark Pullium read Resolution No. 2003-09 which would be adoption of the budget for fiscal year 2004. He said the total budget for 2004 was \$66,018,636. He asked for the Board's consideration in adopting this budget.

Chairman Dunn remarked that this was the last required public hearing by the State of Georgia for completion of the budget in Fayette County. He said this was a public hearing and if anyone wished to speak they could come forward at this time. He noted that no one wished to speak. He asked the Board for its pleasure on this budget.

Commissioner Frady pointed out that the fiscal year starts on July 1st.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to adopt Resolution No. 2003-09 adopting the budget for fiscal year 2004 in the amount of \$66,018,636, discussion followed.

Commissioner Frady commended the staff for working hard and long on this budget. He said it was greatly appreciated.

Chairman Dunn said it was hard when citizens read the newspapers and tried to understand what the Commission was doing. He said it was also hard for the reporters to get a grasp on this information because it was a very complex process. He said there were a few things that he wanted to highlight in this budget. He pointed out that the general fund of the budget which runs the county on a daily basis was going to be \$319,000 less than it was last year. He said the total budget which also included the Water System was almost \$1,100,000 less

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expenditures this year than last year. He said this was almost unprecedented in government. He said most governments just keep adding and adding. He said this Commission had taken the approach that this budget was like a household budget and they tried not to waste a penny. He said the Commission had eliminated everything that was not absolutely essential and less real dollars were going to be spent. He said it would be hard to find another government who had done this. He said the citizens were also concerned about the millage rate. He said for the second year in a row it was the plan of this Board to reduce the millage rate by the rate of the reassessments that citizens had received recently in the mail. He said the Commission would be reducing the county's millage rate so that there should be no increase in taxes this year from the county side. He said the School Board was going to have a slight increase in their millage rate over which the county had no control. He said citizens could end up with a slight increase in their taxes when the Commission and the School Board's budgets were combined. He said the county government had no control over the School Board's budget. He said the county did not agree or disagree with their budget.

Chairman Dunn remarked that over the last two years the Commission had reduced the millage rate and this was going to be a 10.2% reduction over a two year period over millage rates in Fayette County to support Fayette County government. He said with the state of the economy it was a good time for the county to be in this position. He said this pertained to the unincorporated reduction. He commented on the incorporated areas of Fayette County such as Fayetteville and Peachtree City. He said the Commission would also be reducing taxes for the citizens who lived there. He said those citizens would have a 10.5% reduction in their millage rate for the last two years. He said the only real difference between the county's and the cities' millage rate was that the county had rolled back some insurance premiums to the taxpayers and the two cities do not. He said the cities were not required to by law and they use the money for other purposes or whatever. He said the slight difference was because the county reimburses taxpayers in an area that the cities did not.

Chairman Dunn further remarked that in any budget that this Board of Commissioners had ever produced the number one priority had always been the health, safety and welfare of the community and particularly public safety. He said with growth there would be a lot of negatives such as crime. He said this community was going to be in a position to combat crime and put bad people away. He said the Board's priority during this time was still public safety. He said as a result of the budget going down this included a 10% raise in the public safety budget over the last two years. He said the Commission had added eighty people to the public safety agencies of the county government. He said the Board was moving money into public safety even as the budget was reduced. He said the Sheriff received the only increase in the county's budget of any noticeable amount. He said the Board's commitment to public safety was there and no citizen in the county should have to worry about that. He said a couple of years the Board had changed the entire budgeting system of the county. He said the Board wanted total visibility of this budget and also wanted every citizen to have total visibility. He said the Board had established a totally new planning program and budgeting system. He

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remarked that the staff had done miraculous work over the last couple of years in printing back the budget and accounting for every penny. He said every department must justify every penny now.

Chairman Dunn said the Board had also created a capital improvements budget which the county had never had before. He said there were over \$50 million of projects in the five year plan right now that would be coming up in the near future. He said the county had also refinanced some of the jail and courthouse bonds and water bonds and saved the taxpayers over the last year and a half \$5.8 million by refinancing. He said the county had opened and constructed a brand new jail and courthouse. He said the county had also paved more miles of roadway in the last two years than the county had ever done before. He said the county was doing approximately thirty five miles of road paving a year now and it used to pave fifteen to twenty miles of paving. He said funds had also been set aside to construct TDK Boulevard. He said the county had also paid off the debt on the Administrative Complex building. He said the cost of this complex was \$4 million and as a result of paying it off early the county's bond rating for borrowing money was the highest a county could get in the United States. He said if the county had to borrow money later on, it would get a much better rate than it would have gotten before.

Chairman Dunn further stated that the county had purchased 180 acres of park land in the northern part of the county. He said four state of the art fire stations had been opened in the last two years. He said two new two million gallon water tanks had been built. He said the county had submitted a plan to build another reservoir for the county which would take Fayette County to build out some where around 2030. He said the county had already purchased the land to mitigate that project. He said a total restructuring had been initiated of the county's 911 emergency communications system. He said this had been the result of a Federal unfunded mandate. He said the Board had managed to do all of these things and still was in a position not to raise taxes. He said he was amazed that the system had worked this way. He congratulated County Administrator Chris Cofty, Assistant Finance Director Mary Holland, and County Budget Officer Margaret Malone.

The motion carried 5-0. A copy of Resolution No. 2003-09, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

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

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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.

PETITION NO. 1109-03:

Zoning Director Kathy Zeitler read Petition No. 1109-03, Richard and Diana Cates, Owners, and Thomas Fisher, Agent, request to rezone 5.224 acres from A-R to C-H to develop a Convenience Store and Retail Space. This property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Hwy. 54 East. The Planning Commission recommended approval to R-40 (5-0). Staff recommended denial of C-H.

Thomas Fisher remarked that he was the agent for Richard and Diana Cates in support of their application to rezone 5.224 acres from A-R to C-H located at the intersection of State Route 54 East and Banks Road. He said this was currently zoned A-R and their application requested a rezoning to C-H. He stated this property was in a triangular configuration and they currently believed the property to be inadequately rezoned to allow them to properly use the property. He said this was causing them substantial detriment. He said the current zoning of A-R primarily as a residential zoning and as he had previously submitted to the Board several letters from reputable builders indicating that this property was not a feasible place to build residences. He said he had an additional letter from a builder that he would submit later. He said there were additional uses in the A-R zoning classification and they had explored those. He said a church would want more land and would not want that small piece of land.

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Mr. Fisher further remarked that other uses were not beneficial and they had not been able to find anyone who would be interested to develop the property as a daycare center or the like. He said the property was located at a busy intersection and they did not want children playing along Highway 54. He further remarked that there would be a concentration of traffic in the morning, at lunch and when the children were picked up. He said he believed that the current zoning was not appropriate for this property. He said they also did not believe that the current zoning was supportive of the health and welfare of the county as zoned. He said when the Planning Department submitted the proposal to the various departments he had not read where any of them found that a rezoning was inappropriate. He said they did not see an increase or impact on the schools, police, fire, medical or sewer. He stated that there were some issues about the drainage and siltation and those type issues but any change even if a house was built there would have to comply with applicable codes.

Mr. Fisher said one issue that had been raised was the traffic issue. He said they were seeking to rezone the property for retail space. He said his experience had been that retail space provided an even traffic flow. He said there was no doubt that there would be more cars. He said the State certainly had anticipated the fact that this road would have more cars. He stated that it was anticipated that this road would be widened. He said his client had already dedicated property to the County and the State for that purpose to increase this intersection. He said another use of the property for example to O-I would only be a concentration. He said there would be people coming to work in the morning, going to lunch and then going home rather than a smooth traffic flow. He said generally speaking O-I would bring people who were not otherwise in the area quite possibly to the area. He said they have to come to work. He said people did not get a choice where they worked but worked where their employer was located. He said furthermore the O-I zoning in this county was prevalent and there was plenty of land that was sitting vacant zoned O-I that had not been developed. He said there was plenty of current O-I sitting vacant already developed. He said they did not believe that O-I zoning was feasible either.

Mr. Fisher remarked that they believed the anticipated zoning that they had was the best and highest use of the property. He said this zoning would service the local community instead of people having to drive to get gas, do banking, or whatever. He said the Land Use Plan indicated that the county had studied two intersections. He said one intersection was a little bit toward Clayton County about a mile. He said that intersection had commercial zoning around it on the Land Use Plan. He said coming back the other way about half a mile the Land Use Plan had commercial zoning around it. He said his reading of the Land Use Plan said that this particular intersection was not studied. He felt it was inconsistent to have an intersection a half mile away with commercial and another one a mile away that did not even have traffic light that had a commercial designation. He remarked that S.R. 54 was going to be widened at some point in time and he understood that it would occur within the next five years.

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Mr. Fisher said based on all of these issues, they believed that the zoning request that was submitted should be granted by the Commission. He said he would be glad to answer any questions that the Board might have.

Chairman Dunn asked if anyone wished to speak in support of this rezoning request. Hearing none, he asked if anyone wished to speak in opposition. The Board counted 57 people standing in opposition. He noted that five individuals wished to speak.

Michael Frnka, 527 Banks Road, Fayetteville said he was the current President of the Wellington Place Homeowners Association. He said he represented the 54 families that lived in that subdivision. He said they had come to this meeting to voice their opposition to the proposed rezoning petition. He remarked that they stood united against the rezoning proposal with four other neighborhoods at that intersection. He said the Wellington Place Homeowners Association was founded in 1985 to promote social growth of the neighborhood, to preserve property values, to promote the health and welfare of the group and to speak with one voice. He said some eighteen years later these homeowners still believed that this mission was true for them and they remained a very active part of the community. He said the Association was very much opposed to the request to rezone 5.2 acres which was directly across the intersection from the Wellington Place subdivision. He said he had previously submitted a petition and letters in opposition. He said they opposed the petition for the same reasons that the Board probably would when the health, welfare and safety of the citizens in that area was concerned. He further remarked that they worked hard for approximately ten years to get a traffic light there. He said there was heavy traffic in that area and they had a resident from their subdivision who died in an accident there several years ago. He pointed out that the traffic had doubled since the traffic light was installed. He said now there was traffic going from Banks Road all the way through to the Clayton County panhandle. He said in addition, a retail store and a convenience store would only worsen this situation. He stated this would mean more traffic problems for the neighborhood especially families with small children. He said there were already five homes up for sale and many residents were very anxious about what was going to happen with the rezoning proposal. He said besides the traffic problem, the residents were also in favor of keeping the integrity of the land use plan for the county. He said the last time they looked at the land use plan, it was not marked for commercial development. He said the residential zoning was recommended by the Planning Commission and would keep the integrity of the zoning in the neighborhood. He remarked that a retail center at the intersection would only be asking for additional traffic problems and would not be conducive to families with small children. He pointed out that there was a convenience store located at McDonough Road and S.R. 54 as well as Corinth Road and S.R. 54. He asked for the Board to consider these issues.

Janie Herron, 396 Banks Road, Fayetteville said she and her husband had purchased property in this location because of its rustic setting. She said all of the shopping pleasure that they liked such as the Kroger plaza or the Fayette Pavilion was at their fingertips. She

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said there was a gas station already located at the McDonough Road intersection as well as S.R. 54 and Corinth Road. She felt if another convenience store was built on S.R. 54 it would add to the congestion. She pointed out that she had to wait a substantial amount of time trying to pull out of her driveway in the morning to go to work. She said she did not feel this project would benefit the homeowners or herself who currently resided on S.R. 396 or increase their property values if a convenience store or retail facility was added. She asked for the Board's consideration in denying the R-40 zoning. She said she loved where she lived and she planned to stay in Fayetteville. She said she had seen Fayetteville grow substantially since she had joined the Fayette community family. She said she did not believe that putting another retail store or convenience store on the corner would benefit anybody at this time.

Chairman Dunn asked Ms. Herron if she lived in any of the surrounding subdivisions to the proposed project.

Ms. Herron replied no and stated that she lived directly off Banks Road.

Rick Escarra, 135 Oak Manor, Fayetteville remarked that he was President of The Oaks Homeowners Association. He said he was representing the homeowners of The Oaks which was approximately 100 feet East of the proposed rezoning area. He said this subdivision had numerous and serious concerns in regard to this proposal. He stated that this had been demonstrated earlier by the number of residents present in opposition. He said they believed that this proposal would affect the residents in the surrounding areas in many ways. He said the Board had heard several of these spoken already tonight. He said these concerns were truly genuine and realistic and would ultimately impact not only the current but the future property values. He said they felt that any commercial establishment in this area would greatly deteriorate the quality of life as they knew it today. He said with the addition of a twenty-four hour facility, there would be increased traffic, twenty-four hour lighting, twenty-four hour noise and the endangering the safety of the citizens. He said if the Board would ask the residents if they would be willing to sacrifice the property values and the quality of life for merely the convenience of going to the store to pick up something or get gas, the Board would probably find 100% opposition. He strongly recommended to the Board that it consider the recommendations previously submitted from the Zoning Department. He asked for the Board's consideration in denying the rezoning of this area.

Henry Bryant, 200 Deer Cove, Fayetteville remarked that he lived in the Deer Glen Forest subdivision. He said he was opposed to this petition. He said there were 100 homeowners in the Deer Glen Forest subdivision. He said this rezoning actually bordered this subdivision. He urged the Board to continue its support of the land use plan for Fayette County to maintain a high level of residential and neighborhood communities by opposing this petition. He said they expected the Board to keep the residents interested in quality of life as a priority. He stated that the existing number of gas, service stations and convenience stores in the area was more than adequate. He said there was no need for these proposed commercial outlets.

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He said it would be a disservice to this community. He said automotive and pedestrian traffic would certainly increase and likely use of internal streets as a cut through to frequent these facilities. He said along with the traffic issue, there were other negative issues that would affect the quality of life such as trash, loitering, home values and an invitation to increased crime. He asked for the Board's consideration in denying this rezoning proposal and to allow this property to remain residential.

Linda Brem Braender, 110 Deer Forest Trail, Fayetteville remarked that she lived in the Deer Glen Forest Subdivision. She said she had resided in her home for twenty-five years and had watched a lot of changes in Fayette County. She said one of her main concerns with the petitioner's request was that there would be more traffic accidents in the area. She said the intersection of Banks Road and S.R. 54 was extremely dangerous. She said she was a teacher at Fayette County High School and knew personally five of her students who had been in accidents there. She said there had been two deaths along S.R. 54. He said to her it was absolutely ludicrous to think that with a gas station 5/10 of a mile away that somebody would be in need of gas at that intersection. She pointed out that the residents who would back up to the proposed gas station would have lights in their back yard night and day, noise pollution, traffic and so forth. She said this week a young man had been shot at point blank range in the Henry County area. She said he was working in an all night convenience store. She urged the Board to protect the subdivision to help them retain the quality of life that residents could continue to enjoy. She also pointed out that The Oaks, Smokemont, and Deer Glen were the buffer between the Clayton County situation and the Fayette County situation. She said they were trying very hard to hold the line. She said the Board had alluded to the tax relief that the county was trying to offer to the citizens and the fiscal management that had been maintained in this county, she asked for the Board's consideration for the maintenance of the things that they had such as their homes, children and their way of life.

Chairman Dunn asked if anyone was present who lived in Smokemont Subdivision. One gentleman raised his hand. Chairman Dunn asked if anyone was present from Ponderosa Subdivision and no one raised their hand.

Chairman Dunn asked if Mr. Fisher would like to rebut any of the comments.

Mr. Fisher said he would like to reiterate that the Planning Department submitted the rezoning application to the various departments of the county. He said none of the Sheriff, Fire Department or Emergency Medical Services communicated that there was a problem with the rezoning application. He said the Sheriff had mentioned the curb cuts and the school did not see any impact from the project. He stated that traffic was traffic and there was going to be traffic. He said S.R. 54 was going to be widened and people were going to continue to travel on that road. He said as he indicated the land use plan did not study this particular intersection. He said there were two maps on opposite ends but no study was done on this intersection. He said both of those intersections had commercial zoning. He felt the issue

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before the Board was if his client was suffering substantial detriment with the current zoning. He felt the answer was yes. He said his client could not utilize that property under its current zoning. He said the second question related to the public health, safety and welfare. He felt this question had been answered. He said petitioners had carried their burden of demonstrating why this rezoning application should be granted. He respectfully requested that the Board of Commissioners grant this application.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to deny Petition No. 1109-03, discussion followed.

Chairman Dunn pointed out that the Marshal had presented to the Board a petition from the residents of Deer Glen Forest Subdivision who were opposed to this project. A copy of the petition, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Commissioner Wells remarked there were three very clear reasons why the Board of Commissioners had the latitude to deny this petition. She said one was because it violated the Land Use Plan. She said it was also in opposition to the Comprehensive Growth Management Plan and thirdly it had an adverse impact on existing citizens and property owners. She said she had always been extremely clear that when these situations arose, one needed to know how it was zoned and how the surrounding area was developed. She remarked that these citizens had lived there for a long period of time and the Board did not need to bring a nuisance to them. She said Mr. Fisher had made several comments about the highest and best use of the property. She said Mr. Fisher had stated that there was not a reason for the Board to deny this because none of the county departments had said that it was going to impact the schools and the Sheriff did not have any valid response or anything of that nature. She said she was thinking while Mr. Fisher was talking that this could also be applicable to a pig farm. She said the Board needed to be really careful with spot zoning. She said Mr. Fisher could have easily stood before the Board and said his client wanted the highest and best use of this property and requested a pig farm and feel that the County could not turn that request down because it would not affect the schools, the Sheriff and would not have a great deal of impact. She felt the Board needed to be careful in making generalities that the Board would not have any valid responses for turning this down. She felt the impact on the community and the people living in that area would be tremendous.

Commissioner Wells further stated that she had been very involved with Wellington Place Subdivision on a number of different issues and had labored and anguished over people cutting through from Clayton County, speeding and the dangers that had been there. She said they had struggled for years to get a traffic light there. She felt that just because some of the issues were being addressed in a positive fashion did not mean that more problems needed

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to be put on that particular area. She felt the Board would be doing a great disservice to the citizens in that area who had come to expect a certain standard of living. She said the county's Land Use Plan was a very viable living and breathing plan and this Board had done a great deal to try very hard to maintain its integrity. She felt for the Board to do anything else here tonight would be a tremendous violation of that. She said as far as she was concerned this would be like a pig farm and it could go somewhere else.

Commissioner VanLandingham remarked that Mr. Fisher had alluded to a couple of issues that he would like to address. He said Mr. Fisher had alluded to the vacancy of O-I facilities in the county. He noted that there were thousands of feet of retail space that was also vacant. He said this would not be a valid position for the Board to consider. He noted that half a mile away was commercial, county ballfields and county property. He said just across the street there used to be a plumbing company. He said there was no concentration of housing a mile to the north. He said at the same time the A-R zoning would permit a lot of things that would be less desirable besides houses. He said the traffic was already there and he would not support a convenience store under any circumstances. He felt a convenience store would be the greatest disservice that could be done to the citizens. He said there were some things that could be put there that would work for the citizens as well as the property owner. He said to consider this would be beneficial for everyone concerned. He said he tried to put himself in both positions. He said the county did have a Land Use Plan and the Board would have to work with this as closely as possible. He felt another possible use for this needed to be considered besides houses. He said he would not build a house there. He said there would be three curb cuts for three houses and if there were five houses then there would be five curb cuts. He said a lot worse things could be put in there under A-R than a bank or something of that nature. He asked everyone to be open to suggestions. He felt that this would be a plus for everyone. He said he would not support a convenience store. He said there were zonings that would permit control as to what would go in that location.

Commissioner Pfeifer said he would support the motion as well. He said he might have supported a motion that called for the R-40 that the Planning Commission approved. He noted for the record that the other three corners were residential.

Chairman Dunn remarked that Mr. Fisher had mentioned that this intersection had not been studied. He felt Mr. Fisher might have misinterpreted the intersection as well as everything else in the unincorporated county. He said this had been studied and restudied. He said what the county had not done was to say that commercial could go there. He said commercial was allowed at the other two locations where it was currently located. He said this place was analyzed to be a residential area that the county intended to keep residential. He said it was not that it was not studied but that it did not have an outcome that applicant approved of. He said secondly Mr. Fisher had made a comment that there was no impact on the sewers. He pointed out that there were no sewers there and there would be no impact one way or the other. He pointed out that the staff reports that the Board received routinely on these dealt

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mostly with staff's ability to handle anything that might happen there. He said the Sheriff was not saying that there would not be crime. He said the Sheriff could handle crime there if it occurred. He said the Fire Department was not saying that there would not be a fire but they could respond to a fire because fire stations were close to this location. He said they were just saying that if something happened there, it could be dealt with. He said they were not making a recommendation one way or the other on the zoning of the property but talking about providing services to the property in the various zonings. He said it was a little bit different interpretation. He said he must agree with the other members of the Board that this county clearly had intended from the beginning that this area would remain residential and anything that would go against residential at this point he could not support.

The motion carried 5-0. A copy of the Resolution and Ordinance denying Petition No. 1109-03, identified as "Attachment No. 3", follow these minutes and are made an official part hereof.

ADOPTION OF ORDINANCE NO. 2003-01 - AMENDMENT TO THE FAYETTE COUNTY ZONING ORDINANCE ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-1. A-R AGRICULTURAL-RESIDENTIAL DISTRICT, B. PERMITTED USES AND E. SPECIAL REGULATIONS:

Zoning Director Kathy Zeitler asked for the Board's consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-1. A-R Agricultural-Residential District, B. Permitted Uses and E. Special Regulations. She said the Planning Commission recommended approval (5-0).

Ms. Zeitler remarked that several workshops and public hearings had been held on this item. She said input was also obtained from the agricultural businesses in the county. She said staff was proposing an amendment to revise the current category which was a permitted use of growing crops, gardens, landscaping planting materials which would be planted or potted and the sale thereof and revise it into two separate categories which were proposed to be regulated as separate use categories. She said the first one was going to be growing of crops in the on premise sale of produce in agricultural provided that 50% of the produce sold was raised on premise. She said this was consistent with what the State required. She said the second category was plant nurseries and greenhouses with no sales of related garden supplies. She said the special regulations was just specifying what would be exempt from the site plan requirement. She said the plant nurseries and greenhouses would not be exempt from the site plan unless they were already existing and any changes to existing ones as far as enlargements would require a site plan. She said if the Board had any questions, she would be glad to answer them.

Chairman Dunn remarked that this was a public hearing and he asked if anyone wished to speak. Hearing none, he asked if the Board had any comments.

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Commissioner Frady questioned Section E. regarding the sale of produce and agricultural stands being less than 100 square feet. He said he recalled this being more than 100 square feet.

Ms. Zeitler responded it was already in the ordinance where an agricultural stand was less than 100 square feet in size it was exempt from having a required site plan. She said this was not a change.

Commissioner Frady said in the other section the term "100 square feet" was used. He said this was located on page 4.

Ms. Zeitler replied that this referred to 100 square feet or less.

Commissioner Frady felt the verbiage less than 100 square feet might refer to 25 square feet. He said 10 x 10 was not very large and he felt anyone selling perishables would need some type of cooling system on the premises.

Ms. Zeitler responded that currently they were exempt if they were 100 square feet or less and a change was not being proposed.

Commissioner Frady interjected that he felt they needed a place large enough to house their merchandise with air conditioning or some type of refrigerant to help them preserve the merchandise.

Ms. Zeitler responded that this was not in a building but was an agricultural stand near the roadway on the land where the crops were grown.

Commissioner Frady said he understood that but felt it needed to be 200 square feet so that the merchandise could be kept cool.

Ms. Zeitler responded that the point of the revision was to address the nurseries specifically to require the site plan approval for the landscape planning nurseries rather than to regulate and change the agricultural stands.

Commissioner Frady felt the 100 square feet needed to be changed to a little more.

Chairman Dunn asked why 100 square feet was decided.

Ms. Zeitler responded the ordinance had been this way for approximately twenty years and she was not sure how that figure was determined.

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Commissioner Frady felt a twenty year old ordinance could be changed because it no longer worked that well.

Chairman Dunn said at a minimum he would like to have the wording cleaned up since it stated less than 100 square feet and it should say 100 square feet or less.

Ms. Zeitler interjected that she would be glad to make that change.

Commissioner Frady asked Ms. Zeitler to explain why there was a change proposed for nurseries and greenhouses.

Ms. Zeitler replied that over the years there had been a policy to require a site plan for retail nursery in A-R and not require a site plan for a wholesale nursery in A-R. She said over time it would start out as a wholesale nursery and then become a retail operation. She said they grow and put more greenhouses out. She said they impact the neighbors more and they did not have adequate buffers, parking or detention. She said staff was trying to regulate any new nurseries that come in or existing nurseries that expand so that negative impacts could be headed off for the neighbors.

Chairman Dunn clarified that if it was 100 square feet or less they would not need a site plan but if it was more than 100 square feet a site plan would be required.

Ms. Zeitler remarked that this was specifically for an agricultural stand.

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to adopt Ordinance No. 2003-01 regarding amendment to the Fayette County Zoning Ordinance Article VI. District Use Requirements, Section 6-1. A-R Agricultural-Residential District, B. Permitted Uses and E. Special Regulations, discussion followed.

Commissioner Pfeifer complimented the Planning Commission as well as the Planning Department for a terrific job on this amendment.

The motion carried 5-0. A copy of Ordinance No. 2003-01, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

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

SHERIFF'S DEPARTMENT: Approval of request from the Sheriff's Department to destroy several uniforms and uniform items that are no longer serviceable. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

COMMUNICATIONS: Approval of request from Director of Communications Cheryl Rogers to authorize the Chairman to execute the Nondisclosure and Confidentiality Agreement Contract regarding wireless providers. A copy of the Agreement, identified as "No. 6", follows these minutes and is made an official part hereof.

FARMERS' MARKET AREA - GRAVEL DRIVEWAY: Authorization for Public Works to proceed with gravel driveway and parking area for the Farmers' Market area at McDonough Road and Champion Lane. A copy of the memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

RESOLUTION NO. 2003-08 - GIS LICENSE AGREEMENT: Approval of Resolution No. 2003-08 authorizing the County Administrator and/or his designee to execute the Geographical Information System (GIS) License Agreement. A copy of Resolution No. 2003-08, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

ELECTIONS OFFICE - CITY OF FAYETTEVILLE ELECTION: Approval of request from the City of Fayetteville to allow the Fayette County Board of Elections to conduct the City's Election to be held on November 4, 2003 at the City's voting precincts which are the Fayette County Library and the LaFayette Educational Center. The City will be responsible for all cost associated with this election. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

MCCURRY PARK - SOUTHERN BICYCLE LEAGUE: Approval of request from the Southern Bicycle League to facilitate the Wilson 100 Bike Ride out of McCurry Park Softball Complex on Sunday, September 7, 2003 from 6:30 a.m. through 6:00 p.m. They also request that the usual reservation fees be waived. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

PROPERTY TAX CREDIT - DENIED FOR ATLANTA GAS LIGHT: Approval of recommendation to deny a request for a property tax credit for Atlanta Gas Light in the amount of \$77,906 for the years 1996, 1997 and 1998.

PROPERTY TAX CREDIT - APPROVED FOR STEPHEN GIRARD: Approval of recommendation to approve a request for a property tax credit for Stephen Girard in the amount of \$99.66 for the year 2002.

PURCHASING DEPT. - BID AWARD TO INDUSTRIAL CHEMICAL: Approval of recommendation from Director of Purchasing Tim Jones to award Bid #429 to low bidder

Industrial Chemical for bulk powder lime for the Water System. A copy of the memorandum, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

PURCHASING DEPT. - BID AWARD TO RGM OF GEORGIA, BRENNTAG AND INDUSTRIAL CHEMICAL: Approval of recommendation from Director of Purchasing Tim Jones to award Bid #430 to low bidders RGM of Georgia, Brenntag and Industrial Chemical for nine chemicals for the Water System. A copy of the memorandum, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

PURCHASING DEPT. - BID AWARD TO STILES-KEM: Approval of recommendation from Director of Purchasing Tim Jones to award Bid #431 to Stiles-Kem for Phosphates for the Water System. A copy of the memorandum, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

FINANCE DEPT. - GMA/ACCG EQUIPMENT LEASE POOL: Approval for request from Finance Director Mark Pullium to authorize the Chairman to execute the Appropriation Certificate for GMA/ACCG Equipment Lease Pool. A copy of the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

PIKE COUNTY SHERIFF - PURCHASE SIX OUT-OF-SERVICE COUNTY VEHICLES: Approval of request from Pike County Sheriff Jimmy Thomas to purchase six out-of- service County vehicles at \$3,120 each. A copy of the letter, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

TAX ASSESSORS/ENVIRONMENTAL HEALTH - TRANSFER OF USED VEHICLES: Approval of transfer of used fleet vehicles to Tax Assessors Office and Environmental Health.

RECREATION DEPT. - TRANSFER OF FUNDS: Approval of request from the Director of Recreation Anita Godbee to transfer a total of \$23,000 from contingency to cover (a) costs for the safety switch to ground McCurry Park softball lights in the amount of \$14,000 and (b) \$9,000 to eliminate light spillage from South Soccer Field #25 into adjacent neighbor. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

EMERGENCY SERVICES - AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM: Approval of request from Chief Jack Krakeel to transfer \$75,000 from the

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contingency fund to Emergency Medical Services to fund Phase II of the county's Automated External Defibrillator Program. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

NACo ANNUAL MEETING - COMMISSIONER FRADY DESIGNATED VOTING

DELEGATE: Approval to designate Commissioner Frady as the County's voting delegate at the NACo Annual Meeting in July, with Commissioner VanLandingham as the first Alternate. A copy of the request, identified as "Attachment No.18", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on June 4, 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:

BROCHURE REGARDING HOME SEPTIC SYSTEMS: Planning Director Chris Venice briefed the Board on the new "Protecting Your Water and Septic System" brochure that will be furnished to citizens having septic systems. She said this brochure would provide information to citizens regarding care and maintenance of septic systems. She said staff was working on a draft letter that would be signed by the Board of Commissioners to accompany the mailing of the brochure out to residents. She said there would be a mass mailing of approximately 16,000 to 20,000 brochures that would go out to every resident who has a septic system. She said she had also spoken with the Permits and Inspections Department regarding Certificates of Occupancy. She said after the new homeowner received their Certificate they would have a brochure mailed to them together with the letter as well. She said of the monies that were approved there was approximately \$4,000 left for the postage and supplies. She said staff was working with the Water System to use their bulk mail rate to do this. She said any monies that might go over, she would take out of her budget this next year. She said this was just an update for the Board. She said after several years of struggle there was finally what she thought was a terrific product and well needed in the county. She said she would be glad to answer any questions.

Commissioner Wells suggested that the Environmental Health Department staff take some of these brochures with them when they go out on calls relating to septic tanks.

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Ms. Venice said there had been approximately 5,000 extra brochures printed and they would be available in different departments and also inspectors in the field as well.

Commissioner VanLandingham commended Ms. Venice for her diligence in this project. He said it started approximately two years ago. He said Ms. Venice had done a fantastic job and he felt this would be a great benefit to Fayette County citizens.

ASSISTANCE AVAILABLE FOR CITIZENS AFFECTED BY RECENT FLOODING: Chief Jack Krakeel announced that the Small Business Administration had notified him this afternoon that low interest loans would be made available to Fayette County residents who were affected by the recent flooding.

Chairman Dunn commended Chief Krakeel and his department for everything they had done on the day of the flooding. He said this was a great example of how Chief Krakeel and his public safety personnel had jumped right in and helped the citizens. He noted that most of the damage was in the City of Fayetteville. He said Chief Krakeel and the public safety personnel had worked all day and through the night helping these citizens.

BID AWARD FOR INMATE HEALTH CARE SERVICES: Finance Director Mark Pullium asked for the Board's consideration in awarding a bid to Georgia Correctional Health in the amount of \$485,000 to provide health care services for jail inmates. He remarked that four responses were received on this bid. He pointed out that the apparent low bidder was not willing to provide a performance and payment bond. He said as a result the committee recommended the second low bidder Georgia Correctional Health. He said the new provider would begin July 1st.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to award bid to Georgia Correctional Health in the amount of \$485,000 to provide health care services for jail inmates. The motion carried 5-0. A copy of the bid tally sheet, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: Assistant County Attorney Dennis Davenport requested an executive session to discuss three legal items.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Frady to adjourn to executive session to discuss three legal items. The motion carried 5-0.

LEGAL: Attorney Dennis Davenport briefed the Board on a legal item.

The Board took no action on this matter.

LEGAL: Attorney Dennis Davenport discussed a legal item with the Board.

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The Board took no action on this matter.

LEGAL: Attorney Dennis Davenport discussed a legal item with the Board.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the executive session Affidavit affirming that three legal items were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 20", 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 9:05 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 24th day of July, 2003.

Karen Morley, Chief Deputy Clerk