

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, October 23, 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  
Peter Pfeifer  
A.G. VanLandingham

COMMISSIONER ABSENT: Herb Frady

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

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

**RECOGNITION OF DEPUTY CHIEF ALLEN MCCULLOUGH AND DEPUTY CHIEF TOM BARTLETT:**

Chairman Dunn remarked that the county had a tremendous opportunity tonight to recognize Deputy Chief Allen McCullough and Deputy Chief Tom Bartlett for their completion of the Chief Fire Officer Designation Program. He remarked that these two gentlemen had accomplished something very few people have been able to do in the entire Country.

Chief Jack Krakeel remarked it was a pleasure for him to be present to introduce Deputy Chief Allen McCullough and Deputy Chief Tom Bartlett who he has had the pleasure of working with for approximately twenty years. He said at this meeting they would officially be recognized for achieving a milestone in their individual careers. He said these two gentlemen were very dedicated and capable individuals who had truly committed themselves to the fire and emergency services profession but more importantly to the citizens of Fayette County. He said they were part of his executive team. He said he depended upon them and they provided him counsel and guidance. He said this organization would not be what it was today if it were not for their individual commitment, their capability, their leadership skills and the excellence that they strived for every day in their individual jobs. He said that excellence is manifested by an accomplishment that was being recognized this evening.

Chief Krakeel further remarked that over the last eighteen months they had undertaken a challenge to achieve designation as Chief Fire Officers. He said this process encompassed approximately eighteen months worth of work where they had to demonstrate competencies in seven critical areas. He said those areas included work

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experience, education, professional development, professional contributions, active association membership, community involvement and technical skill proficiency. He said these attributes which encompass the professional and personal characteristics desired of a Chief Fire Officer were reviewed by a panel of their peers including members of the fire and emergency services community and members from academia. He said that panel reviewed their work to determine whether or not they had met the stringent requirements of being designated as a Chief Fire Officer.

Chairman Dunn said the Board had very often bragged about public safety personnel both fire and police. He said tonight was an example of just how phenomenal some of the county's employees who provide for citizens' safety and well being in this county and contribute so critically to the quality of life that everyone enjoys here. He said the program that Chief Krakeel spoke of was operated by the International Fire Chief's Association and there were 240 people in the entire world who had been designated with this recognition. He said Chief McCullough had a Master's Degree in Public Administration and a PhD in Management. He remarked that Chief Bartlett had a Bachelor's of Science Degree in Management and was completing his Executive Fire Officer Program at the National Fire Academy. He said people like this are hard to come by and they are also hard to keep. He said this program was not political in any way. He said either the people had to have the skills and dedication and the love of this business or they could not accomplish this achievement. He said there were only nine people in the State of Georgia who have been so cited. He said three were in this room tonight. He commented that Chief Krakeel was cited approximately two years ago. He said the Board and the county appreciated everything that these gentlemen had done to achieve this.

**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.

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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.

**PACKAGED BEER AND WINE SALES APPLICATION FOR QUALITY FOOD MART  
d/b/a CITGO, 2400 HIGHWAY 138, RIVERDALE, GEORGIA APPROVED:**

Zoning Director Kathy Zeitler remarked that this was an application for a packaged beer and wine sales for Quality Food Mart d/b/a Citgo, 2400 Highway 138, Riverdale, Georgia.

Commissioner Wells remarked that everything seemed to be in order for this application and she would like to make a motion.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the request for a packaged beer and wine sales application for Quality Food Mart d/b/a Citgo. The motion carried 4-0. Commissioner Frady was absent.

Chairman Dunn announced that Commissioner Frady was absent from this meeting and that was the reason a couple of applicants on this agenda had requested to postpone their hearings. He said they were entitled to be heard before a full Board. He said this was the reason the first two zoning matters were tabled.

**PETITION NO. RP-023-03:**

Consideration of Petition No. RP-023-03, Dan Stinchcomb, Owner, and Randy Boyd, Agent, request to revise a recorded plat, Yates Crossing, Phase I, an existing residential subdivision, to add density and to change the use of 20.76 acres from Recreation/Open Space to a single-family residential lot. This property is located in Land Lot 13 of the 7th District, fronts on Lucky Leaf Place and Eastin Road, and is zoned R-45 Conditional. The Planning Commission recommended denial 5-0. Staff recommended denial. Petitioner requested to table this item to the November 13, 2003 Commission meeting.

Chairman Dunn announced that petitioner had requested this item to be tabled to the November 13, 2003 Commission meeting.

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**PETITION NO. 1113-03:**

Consideration of Petition No. 1113-03, Louise D. Kirby and Geraldine Bramblett as Power of Attorney for Dwight F. Kirby, Geraldine K. and Marcus L. Bramblett, Sr., and Dottie M. and Freeman G. Kirby, Owners, and John E. Ryckley, Agent, request to rezone 185.49 acres from R-70 to C-S to develop a proposed subdivision consisting of 76 single-family dwelling lots. This property is located in Land Lots 22, 23, 42, and 43 of the 7th District and fronts on Flat Creek Trail. The Planning Commission recommended approval subject to self-induced conditions 5-0. Staff recommended approval. Petitioner requested to table this item to the November 13, 2003 Commission meeting.

Chairman Dunn announced that Petitioner had requested this item to be tabled to the November 13, 2003 Commission meeting.

**PETITION NO. 1114-03:**

Zoning Director Kathy Zeitler read Petition No. 1114-03, S.C. Butler, Owner, and Audrey Massey of Remax, Agent, request to rezone 0.502 acres from A-R to O-I to allow an existing residential use to convert to office-institutional uses. She said this property was located in Land Lot 70 of the 7th District and fronted on S.R. 54 West. She said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Chairman Dunn asked Audrey Massey, the Agent for S.C. Butler if petitioner wished to proceed with a four member Board.

Audrey Massey replied yes, and stated they wished to proceed. She said she was the agent for the applicant Steve Butler. She said Mr. Butler was the property owner at 1836 Highway 54 West. She said Mr. Butler was requesting a change in the zoning for his property from residential to office and institution.

Chairman Dunn asked if anyone wished to speak in support of this application. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve Petition No. 1114-03 as presented. The motion carried 4-0. Commissioner Frady was absent. A copy of the staff's analysis and investigation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution, identified "Attachment No. 2", follow these minutes and are made an official part hereof.

Commissioner Pfeifer said he would like to make a request. He said before the issue of conservation subdivision was brought back to the Board, he would like to have a map that showed the entire development and where it was located.

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**PETITION NO. RP-025-03:**

Zoning Administrator Kathy Zeitler read Petition No. RP-025-03, Dan & Cynthia Smith, John & Vickie Hendershot, and Rungrata McVey, Owners, and Brad Barnard of E.C. & A.L., Inc., Agent, requested to revise the recorded plat of Busbin Road Properties, an existing residential subdivision, to extend and cul-de-sac Laura Lane, to add property (28.762 acres) and add density (4 proposed lots) to the subdivision. She said this property was located in Land Lots 223 and 226 of the 4th District, fronted on Laura Lane, and is zoned A-R. She said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Chairman Dunn remarked that petitioner would have the same opportunity to table this request because of the four member Board.

Brad Barnard, 165 River Oak Drive, Fayetteville remarked that he was ready to proceed. He said he was representing all three owners of the three pieces of property. He said basically they would be adding to the end of Laura Lane which was approximately 300 feet in order to put in a cul-de-sac and the four agricultural lots. He said at the last meeting one of the local homeowners had questioned him about putting a road all the way through to Bernhard Road. He said that was out of the picture. He stated it would only be a cul-de-sac and nothing more. He said as far as he knew everyone was in favor of this.

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

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to approve Petition No. RP-025-03 as presented, discussion followed.

Commissioner Pfeifer questioned the statement that the Water System had stated no water was requested. He asked if these homes were going to be on wells.

Mr. Barnard replied yes and stated the homes would be on wells. He said this was agricultural and the properties were over five acres.

Commissioner Pfeifer remarked that when he had gone out to look at the property, the sign that he had found was all the way down on the corner by the highway.

Ms. Zeitler interjected that was just an extra sign since it was at the end of the road. She said it was only a directional sign.

Commissioner VanLandingham said he did not have a problem with it but in the process he realized that on the cul-de-sac the road frontage was a lot less than it was on a straight road. He said he had a problem with that. He said he did not have a problem with 50 foot road frontage but he did in the other area. He said he did not realize at first that it was less on the cul-de-sac.

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Chairman Dunn said he was very familiar with that area and his home used to back up to part of this property. He said this road and cul-de-sac would improve the area and also there would be four houses on twenty-eight acres. He said he would definitely support a seven acre lot.

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

**CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-20, L-C LIMITED-COMMERCIAL DISTRICT AND ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 12. CONVENIENCE COMMERCIAL ESTABLISHMENT. TABLED FOR FURTHER DISCUSSION TO THE OCTOBER 16, 2003 PLANNING COMMISSION WORKSHOP:**

Chairman Dunn announced that this item had been tabled for further discussion to the October 16<sup>th</sup> Planning Commission meeting and would come before the Board of Commissioners at a future date.

**ORDINANCE NO. 2003-04 - AMENDMENTS TO THE FAYETTE COUNTY SIGN ORDINANCE REGARDING ARTICLE II. ADMINISTRATION AND ENFORCEMENT, SEC. 1-11. POWERS AND DUTIES OF PERSONNEL, B.1. APPROVED:**

Zoning Director Kathy Zeitler stated this item was for consideration of proposed amendments to the Fayette County Sign Ordinance regarding Article II. Administration and Enforcement, Sec. 1-11. Powers and Duties of Personnel, B.1. She said the Planning Commission recommended approval 5-0. She said this was a request by the County Attorney's office to add a provision that specified a limit of thirty (30) days from the receipt of an application for a sign permit to decide whether to approve or deny the application. She said if it was not processed and acted on within thirty days then it would automatically be approved. She said this provision was similar to language that was already in the subdivision regulations regarding plats which were submitted. She said thirty days was given for a response. She said this provision was necessary for the sign ordinance to withstand challenges. She said this was the language that was drawn up by the County Attorney's office for this revision.

Chairman Dunn asked if anyone wished to speak in favor or in opposition to this item. Hearing none, he asked the Board for its pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the Amendments to the Fayette County Sign Ordinance regarding Article II. Administration and Enforcement, Sec. 1-11. Powers and Duties of Personnel, b.1, discussion followed.

Commissioner VanLandingham clarified that the Board was basically taking the thirty day limit out.

Ms. Zeitler replied no, the thirty day limit was being put into the Ordinance.

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The motion carried 4-0. Commissioner Frady was absent. A copy of Ordinance No. 2003-04, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**RESOLUTION NO. 2003 - 13 - SUBMISSION OF THE FAYETTE COUNTY COMPREHENSIVE PLAN TO THE ATLANTA REGIONAL COMMISSION AND THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS:**

Director of Planning Chris Venice remarked this item was for consideration of the adoption of a Resolution to submit the Fayette County Comprehensive Plan to the Atlanta Regional Commission and the Georgia Department of Community Affairs for review and approval. She said the Planning Commission recommended approval of the land use plan text and map option b. 4-1 and the Planning Commission recommended approval of the Resolution 5-0.

Ms. Venice remarked that there had been numerous workshops with the Planning Commission over the past eighteen months in preparing this document. She said they had held a public in put meeting on September 23<sup>rd</sup> and the Planning Commission held a public hearing on this topic on October 2<sup>nd</sup>. She said this was another opportunity for the public to comment on this plan before it was sent off to the State. She said before this was opened for public comment she would like to review the major changes that were being proposed for the public's benefit. She said the original task was to take the Fayette County Comprehensive Plan and the Fayette County Land Use Plan and combine it into one document. She said this was done and that document will be a three ring binder with individual tabs on the required subject areas and elements. She said in the back of the Plan would be a full page color land use map. She commented on the Fayette County Comprehensive Growth Management Plan. She said the major change from this plan was that it was decided to delete what were called the growth management areas. She said this was an idea that was not really accepted and added to the confusion in the development process. She said while it was a good effort, they had decided to abandon that approach in the new plan.

Ms. Venice further remarked on the Fayette County Land Use Plan. She said some major amendments were that (1) they had removed the study areas. She said these were the circled numbers on the plan that referred to pages in the Land Use Plan that identified parcels specific land use. She said it was decided to take the new plan back to a more generalized comprehensive land use rather than being parcel specific. She said the residential land use category designations were amended. She said in particular they had changed what was being called low density agricultural which was a two to five acre minimum lot to rural residential which was a two to three acre minimum lot. She said they had increased the amount of low density residential land use categories on the plan particularly in the vicinity of State Route 54 corridor West with the hospital. She said that was generally between Tyrone Road and Sandy Creek Road. She said some additional low density residential land use had also been added in the Tyrone area. She said those areas were designated on the plans.

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Ms. Venice further stated that they had added some additional office/institutional land uses along S.R. 54 corridor between Tyrone Road and Sandy Creek Road to acknowledge the development taking place in conjunction with the hospital growth and the medical facilities going up in that area. She said also on the map they had shown proposed transportation routes. She said they had attempted to identify the locations of public facilities such as schools, fire stations and other county buildings. She said they had also located utilities such as water towers, water treatment plants, substations, pipelines, transmission lines, and railroads with the idea being to provide as much information on the base land use map as possible.

Ms. Venice further remarked that the main decision other than deciding whether or not to send this to the Atlanta Regional Commission affects the commercial category. She said there were two intersections that were still under discussion and those were S.R. 54 and Corinth Road and S.R. 85 and Bernhard Road. She said option "A" was to leave the existing land use designation the way it was on the current plan. She said option "B" was to identify all four corners at each of these intersections for commercial land use. She said that was a decision that the Board would have to make before the plan was sent in. She said this was the conclusion to her comments. She said she would be happy to answer any questions.

Chairman Dunn asked if anyone wished to speak in favor or against anything regarding this matter.

Dennis Chase said he was representing himself in this issue tonight. He said he had reviewed a lot of different land use plans from a lot of different counties in the metropolitan Atlanta area and he found this plan very well done and very clear. He said he like the way it was laid out and he wanted to tell the Board that the planning staff had done an outstanding job on it. He said his concern was the vote that the Planning Commission took to go for option "B". He felt from the county's standpoint that the county would be better off to go with option "A" in keeping the limited amount of commercial out there and not go any further with it. He said it was a very easy to read plan. He felt the A.R.C. was going to give the county a good compliment on this plan. He recommended the Board go forward with option "A".

Chairman Dunn asked if anyone else wished to speak in favor or against this item. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Pfeifer said he agreed with Mr. Chase. He felt one of the most tremendous advantages that the county has was that this plan was initially done by the community and the people who live here. He said staff and the political establishment assisted them. He said this pretty much represented what the people of Fayette County wanted their County to be. He said the Land Use Plan should be similar to the Constitution of the United States. He said the Board and anyone else should be very careful about doing anything that alters this plan. He said he would like to compliment all of the people who had put a tremendous amount of effort into trying to make this what it is today. He said this was one of the reasons why Fayette County was different from other counties.

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Commissioner Pfeifer said he had a question about the detail work that was listed in the back of the Plan. He said this information included the fire chief, satellite precincts and so forth.

Ms. Venice replied that information was required by the State Minimum Planning standards as part of the comprehensive plan because impact fees were assessed. She said because impact fees were assessed the county must provide a capital improvements element which said what the money would be spent for, over what period of time and how the county would determine the amount of the impact fee.

Commissioner VanLandingham remarked that Chris Venice and Pete Frisina had put a lot of work, effort and a great deal of expertise in putting this document together. He said he would like to go on record that he favored option "A" a lot more than option "B". He remarked that the area surrounding S.R. 85 was still largely residential around there. He said he had a fear of houses being developed there and then commercial come in.

Commissioner Wells said she would like to clarify what Commissioner VanLandingham had just said. She clarified that Commissioner VanLandingham had just said that he supported option "A". She said that was designated commercial now.

Ms. Venice replied that there were some corners already designated commercial there.

Commissioner VanLandingham said there was one corner that was commercial at S.R. 54 and Corinth Road.

Ms. Venice remarked that on S.R. 85 and Bernhard Road it was the northeast corner at Corinth and S.R. 54.

Commissioner VanLandingham said he did not favor increasing the commercial there.

Commissioner Wells said she absolutely agreed with Commissioner VanLandingham. She said Ms. Venice had summarized this by saying that this was a generalized comprehensive land use plan. She said if all of it was going to be generalized, then she would like to leave those nodes as generalized also. She said this would give the county more flexibility to grow as needs arose rather than being pre-emptive and building something that was not needed. She said this would penalize the people and change the nature of the growth in that area. She said she had made a very firm commitment to the citizens of the south end of the county to keep it as rural as humanly possible. She said when changes were made she felt they should be made much further down the road.

Commissioner VanLandingham said he felt it should be a case by case review.

Commissioner Wells remarked that she was on the Board of Commissioners when Kane & Associates performed a survey several years ago. She asked Ms. Venice to comment on the survey.

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Ms. Venice said citizens had responded that they would be comfortable driving to a major shopping center approximately seven miles and for convenience they were willing to drive two to three miles. She said when the county was studied it was determined that just a very small percentage of the county was not actually within that radius.

Commissioner Wells felt it would not be in the best interest of the county as a whole for the Board to go ahead and be pre-emptive at this point in time and designate that area as commercial.

Commissioner VanLandingham said he would agree with the area on S.R. 54 at the hospital because that was already in the plan.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve the Fayette County Comprehensive Plan with Land Use Option "A" and adoption of a Resolution to submit the Fayette County Comprehensive Plan to the Atlanta Regional Commission and the Georgia Department of Community Affairs for review and approval, discussion followed.

Chairman Dunn commended Chris Venice and Pete Frisina for a job well done. He said Fayette County was the envy of the Atlanta Regional Commission and the Department of Community Affairs in having this quality of planners that there were here. He said this was the reason the Fayette County area looked so much better than the surrounding communities. He said it was because of this kind of work. He said Ms. Venice and Mr. Frisina had done an outstanding job.

Chairman Dunn further remarked that the Planning and Zoning Commission recommended option "B" which was to designate a few more places as commercial. He said staff was saying that this did not need to be done at this time. He said that was option "A". He said there were two major intersections that they were talking about. He said he would challenge the notion that because there was a commercial node on one part of a four way intersection that necessarily that the other three parts have to be commercial as well. He said when driving to Clayton County you would not only see one gasoline station but four or five. He said there was no need to have every corner on every road as commercial. He said he did not like the notion that commercial was inevitable because he did not think it was particularly with the people today in elected positions.

Chairman Dunn said the other very practical reason that he could not support this at Corinth Road and S.R. 54 was because the county was just now in the process of approving a thirty (30) year comprehensive transportation plan. He said there was a bypass around Fayetteville that would go right through there. He said it was not known exactly where that road was going to cut across S.R. 54. He said it could be East or West of the current location. He said to do that now, would cause another problem. He said the county would not want commercial nodes there and then try and have to go back and condemn land five years from now. He said the location of Bernhard Road and S.R. 85 gave him great concern because one of the most

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beautiful lakes in the county sits there and there were a lot of wetlands in there. He felt to designate that beautiful site as commercial would not be very wise. He said it could result in some entrepreneur purchasing the property and trying to drain that lake in order to accomplish a shopping center or something. He said he agreed with option "A". He said in addition to aesthetics there were very practical reasons on both of these intersections.

Chairman Dunn interjected that Ms. Venice and Mr. Frisina would be the first two planners in the metropolitan area to get the comprehensive plan up to the Atlanta Regional Commission as they were every single time.

The motion carried 4-0. Commissioner Frady was absent. A copy of Resolution No. 2003-13, identified as "Attachment

No. 4", follows these minutes and is made an official part hereof.

**RESOLUTION NO. 2003-14 - ANNUAL UPDATE OF THE CAPITAL IMPROVEMENT ELEMENT AND THE SHORT TERM WORK PROGRAM FOR THE IMPOSITION OF IMPACT FEES FOR FIRE SERVICES FOR SUBMISSION TO THE A.R.C. AND THE D.C.A.:**

Senior Planner Pete Frisina stated that this item was for consideration of the annual update of the Capital Improvement Element (CIE) and the Short Term Work program (STWP) for the imposition of impact fees for fire services and adoption of a Resolution to transmit the CIE and STWP to the Atlanta Regional Commission and the Department of Community Affairs. He said if there were any questions, he would be glad to answer them.

Chairman Dunn asked if anyone wished to speak in favor or in opposition to this item. Hearing none, he remarked that there were impact fees for fire services in this county. He said substantial amounts of money had been collected and as a result of that the county had been able to produce in the last several years several new fire houses. He said there were plans to purchase new fire apparatus. He said the fact was that this was a very difficult process to keep track of how impact fee money was spent. He said the money could only be spent for designated projects in designated places. He said many of the jurisdictions in the Atlanta Regional Committee area did not do this correctly and constantly get in trouble over it and find lawsuits on their desks. He said Fayette County had never done this and it was because of people like Ms. Venice and Mr. Frisina. He said Fayette County was actually seeing the fruits of impact fees. He said some of the counties had let their impact fees drift into the general fund and people never see the benefit of the dollars that were collected from impact fees. He commended Ms. Venice and Mr. Frisina and their staff for doing a great job and taking care of this.

Mr. Frisina interjected that the Finance Department played a big part in keeping track of this.

Chairman Dunn remarked that there were several counties in trouble over impact fees and Fayette County was not. He said Fayette County was not because of Ms. Venice and Mr. Frisina.

Chairman Dunn asked if the Board had any questions.

Commissioner Pfeifer remarked that there was a reference to staffing in the fire department, satellite precinct and a firing range. He said he had not seen any proposals on this items. He said there was also an aquatic facility listed and he would need more information on that before he would be willing to support this. He said the proposals that he had seen had been shockingly expensive. He said he would like to see something put together about why the county needed certain facilities and he had not seen that.

Commissioner Pfeifer further remarked that he fully supported the county's 911 service that was mentioned in the report and the capital that was being devoted to that.

Chairman Dunn interjected that the county had a rather sophisticated planning programming and budgeting system in the county. He said he would describe this document as the pre-planning document. He said one of the things that this did for the county at the regional level was to put a place holder in for certain things if the county decided to do them in the future. He said the Board decides on an annual basis what projects to move up and what not to move up. He said this was an A.R.C. planning document for the entire region and was not a commitment of resources at this point.

Mr. Frisina said he also need authorization for the Chairman to execute the Resolution that they would be sending to the Atlanta Regional Commission.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve annual update of the Capital Improvement Element (CIE) and the Short Term Work Program (STWP) for the imposition of impact fees for fire services and adoption of a Resolution to transmit the CIE and STWP to the Atlanta Regional Commission and the Department of Community Affairs. he motion carried 4-0. Commissioner Frady was absent. A copy of Resolution No. 2003-14, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**PRESENTATION BY A REPRESENTATIVE OF THE FAYETTE COUNTY BOARD OF HEALTH CONCERNING A PROPOSED RESOLUTION PROHIBITING SMOKING IN PUBLIC PLACES:**

Chairman Dunn remarked that Commissioner VanLandingham was the Board of Commissioners' representative on the Fayette County Board of Health. He said Commissioner VanLandingham would be presenting this item.

Commissioner VanLandingham remarked that contrary to the published notice in the local newspapers, there would not be a vote on this tonight but merely a presentation of a draft Resolution on smoking ordinances in Fayette County. He read the proposed Resolution to the Board. A copy of the proposed draft Resolution, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

Chairman Dunn asked the Board if there were any comments.

Commissioner Pfeifer said he had followed this with interest through the newspaper and also seeing Georgia compared to California and Massachusetts. He said as a former smoker, he would like to say that he supported banning smoking in public places but he would not support banning smoking in non-public places.

Commissioner VanLandingham said the request was to ban smoking in public places.

Commissioner Pfeifer remarked that by public places he was referring to publically owned places. He said in this government building he would ban smoking but in a restaurant he would not ban smoking.

Chairman Dunn said the Board of Health had a much more comprehensive idea and that was all public places. He asked what was defined as a public place. He asked if this referred to indoor and outdoor.

Commissioner VanLandingham remarked that from the Board of Health's discussion it referred to indoor.

Chairman Dunn asked if someone could smoke at the arts and crafts fair at the old courthouse.

Commissioner VanLandingham replied yes. He said it was his understanding that the Board of Health had passed an ordinance or a ruling that employees could not smoke in the building or on any school owned property. He said that had already been passed.

Chairman Dunn clarified that was for schools and there was a higher duty to protect young people. He said this was a difficult process for him. He said he did not smoke, did not let anyone smoke in his home and never had and never would. He said on the other hand he questioned how far it could go with certain things. He asked for example if you would tell somebody who runs a business like a bar or like a pool hall that nobody can smoke in there. He asked what would this do to that individual's business. He asked how this would help that individual if he loses the way he makes his living. He said it was a tough question and the Board would not be voting on this tonight. He said there would have to be a lot more research. He said he had never seen anything that had a statement in it like no studies had been performed which concluded that breathing second hand smoke had no affect on people. He said he would have rather had them say that several studies had said that there was an affect. He said the county would have to be careful because this was America and people have

certain freedoms and if they choose not to do something that was particularly helpful to them, then he was not sure how far the county could go. He said this was something that he had difficulty with and that was telling people how to run their personal lives.

Commissioner VanLandingham said for the sake of discussion the comment was made that there was a responsibility to the schools. He questioned if this should stop with the schools. He asked if it was just school children who were affected by this or was the general public. He said it was his point that if the county was going to do anything, then it should be all the way and not just something that was watered down and ineffective. He felt this needed to be an effective ordinance. He said he also had problems in telling a businessman that he could not do things. He remarked on the amount of money that was spent annually for the healthcare of smokers. He said he had a strong disagreement with the tobacco settlement and people who had contracted cancer through smoking. He said this money was being spent on everything in the world except for cancer research or taking care of the people who were sick.

Chairman Dunn said one could make a good case for alcohol that at certain levels was bad for your health too but no one was saying that you could not drink alcohol. He said the other issue was someone going to McDonald's and saying that there was too much cholesterol in the food. He asked when the government should regulate the amount of cholesterol. He said it was hard to know where to cut this off. He said he also disagreed with people who chose to smoke all of their lives and then think they can sue the tobacco company.

Chairman Dunn said the Board would take this under advisement and do some research into this to determine if there was some kind of reasonable compromise that would not hurt certain businessmen in the community. He clarified with Attorney McNally that the Board of Commissioners could pass a limited resolution which would allow the county to exempt certain businesses from this prohibition for economic reasons.

Attorney McNally replied yes. He said this Board had the authority to take economic considerations.

**CONSENT AGENDA:** Commissioner Wells requested that item no. 2 be removed for discussion. On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve consent agenda item nos. 1, 3, 4, 5, 6, 7, 8, 9 and 10 as presented. The motion carried 4-0. Commissioner Frady was absent.

**D.O.T. LOCAL GOVERNMENT PROJECT AGREEMENT:** Approval of D.O.T. Local Government Project Agreement BR-0005-00(568) Spalding Co. PI#0005568 Bridges S.R. 92 @Flint River 6.6 Miles West of Griffin. A copy of the Agreement, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**D.O.T. LOCAL GOVERNMENT PROJECT AGREEMENT:** Approval of D.O.T. Local Government Project Agreement No. STP-074-2(24) Fayette Co. PI#321960 - Widening S.R. 85 S/Fayetteville from S/Bernhard Road to Old S.R. 92/Fayetteville. A copy of the Agreement, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

Commissioner Wells remarked that she wanted to reiterate that she agreed with Public Works Director Lee Hearn's comments and she wanted to make sure that it was very clear whenever the county responds back to G.D.O.T. that the county would not be paying for those utility movements, the railroad and the damages for delay of construction. She said she wanted to separate this out and be very clear. She said if there were strings attached, then the county did not want it.

On motion made by Commissioner Wells, seconded by Chairman Dunn to approve the D.O.T. Local Government Project Agreement No. STP-074-2(24) Fayette County PI#321960 - widening S.R. 85 S/Fayetteville from S/Bernhard Road to Old S.R. 92/Fayetteville. The motion carried 4-0. Commissioner Frady was absent.

**ELECTIONS OFFICE - AGREEMENTS WITH CITIES TO CONDUCT THEIR ELECTIONS:** Authorization for the Chairman to execute Agreements with the City of Fayetteville, City of Peachtree City and the Town of Tyrone regarding the conduct of their elections. A copy of the Agreements, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

**BID AWARD - MARTIN-ROBBINS FENCE COMPANY - GUARDRAIL INSTALLATION AND ADDITIONAL POSTS:** Approval of recommendation from Director of Purchasing Tim Jones to award bid to Martin-Robbins Fence Company in the amount of \$26,620 for guardrail installation and some additional posts. A copy of the memorandum, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**SIGN REQUEST - OFFSHOOT PRODUCTIONS - COMEDY OF ERRORS:** Approval of request from Susan Steadman of Offshoot Productions to place a sign on the old courthouse lawn from June 10 to June 24, 2004 to advertise a Comedy of Errors to be held at the Villages Amphitheater from June 11 through June 27, 2004. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

**TAX COMMISSIONER - BOAT TAX REFUND TO DOUG SCHOOLER:** Approval of recommendation to approve a request for a refund for a boat tax to Doug Schooler in the amount of \$67.54 for the year 2002.

**TAX COMMISSIONER - TAX REFUND TO JOHN M. CURRY:** Approval of recommendation to approve a Homestead Exemption tax refund to John M. Curry in the amount of \$685.30 for the years 2001 and 2002.

**WATER SYSTEM - BID AWARD TO NATIONAL WATER WORKS, TRISTATE PIPE & SUPPLY, HAYES PIPE SUPPLY AND DELTA MUNICIPAL SUPPLY COMPANY:** Approval of Director of Purchasing Tim Jones to award bid to the low bidders for Water System Distribution Parts to National Water Works in the amount of \$39,392.71, Tristate Pipe & Supply in the amount of \$674.92, Hayes Pipe Supply in the amount of \$18,472.29 and Delta Municipal Supply Company in the amount of \$3,135.12. A copy of the memorandum, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**LAKE HORTON BOAT RAMP/ ENTRANCE OFF ANTIOCH ROAD - PAVING OF PARKING LOTS:** Ratification of approval to pave parking lots at Lake Horton boat ramp and entrance off Antioch Road. A copy of the proposal, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meetings held on September 25, 2003 and October 1, 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. She said this had previously been approved by the Board.

**Marcea Dunbar:** Marcea Dunbar, 138 Highland Drive, Riverdale, Georgia asked about a cul-de-sac that was supposed to be constructed in her subdivision.

Commissioner Wells said she had been assured by Chris Cofty that he and Zack Taylor would be out to this location in the morning to check on this situation.

**STAFF REPORTS:**

**EXECUTIVE SESSION:** Attorney McNally requested an Executive Session to discuss two real estate matters and three legal items.

**EXECUTIVE SESSION:** On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss two real estate matters and three legal items. The motion carried 4-0. Commissioner Frady was absent.

**REAL ESTATE:** Attorney McNally discussed a real estate matter with the Board.

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

**REAL ESTATE:** Attorney McNally discussed a real estate matter with the Board.

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

**LEGAL:** Attorney McNally advised the Board on a legal item.

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

**LEGAL:** Attorney McNally reported to the Board on a legal item.

The Board took no action on this matter.

**LEGAL:** Attorney McNally discussed a legal item with the Board.

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

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize the Chairman to execute the executive session affidavit affirming that two real estate matters and three legal items were discussed in executive session. The motion carried 4-0. Commissioner Frady was absent. A copy of the Affidavit, identified as "Attachment No. 14", 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 9:00 p.m.

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Karen Morley, Chief Deputy Clerk

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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 13th day of November, 2003.

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Karen Morley, Chief Deputy Clerk