

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, January 12, 2006, 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

STAFF MEMBERS PRESENT: Chris Venice, County Administrator
William R. McNally, 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.

REZONING PETITIONS:

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

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

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. 1158-05:

Director of Community Development Pete Frisina read Petition No. 1158-05, John Horney, Marc Heilweil, and Donald Keough, Owners, and Rod Wright of Peachstate Land Development, Inc., Agent, request to rezone 393.98 acres from A-R to EST to develop a proposed subdivision consisting of 61 lots. He said this property was located in Land Lots 139, 140, 141, 148, 149, and 150 of the 4th District and fronted on S.R. 92 South. He said the Planning Commission recommended approval subject to the one (1) recommended condition (5-0) and Staff recommended approval subject to one (1) recommended condition.

Rod Wright of Peachstate Land Development, Inc. said he was the agent for the applicant. He asked for the Board's consideration to approve this rezoning. He said the applicant agreed with the proposed condition by staff and the Planning Commission. He said he also hoped that the citizens of Fayette County would support this rezoning.

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

Commissioner Wells said she just wanted to verify that fire hydrants would be extended out to the development.

Mr. Wright replied yes, that was correct.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve Petition No. 1158-05 with one recommended condition. The motion carried 4-0. A copy of the recommended condition, 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 approving Petition No. 1158-05, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PETITION NO. 1159-05:

Director of Community Development Pete Frisina read Petition No. 1159-05, Dorothy Q. Reeves, Managing Member of Morning Creek, LLC, a Georgia Limited Liability Company, Owner, and Dan Fields, Vice President of John Wieland Homes, Agent, request to rezone 249.011 acres from R-70 to C-S to develop a proposed subdivision consisting of 97 lots. He said this property was located in Land Lots 223, 224, and 194 of the 5th District and

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fronted on S.R. 92 North and Eastin Road. He said the Planning Commission recommended approval subject to the one (1) recommended condition (5-0) and Staff recommended approval subject to one (1) recommended condition.

Brad Parrott said he represented John Wieland Homes in this petition. He said there were actually two petitions and asked if the Board wanted to consider these at the same time.

Chairman Dunn responded that the Board would have to hear each request separately.

Mr. Parrott said this property was currently owned by the Reeves family and two members of the Reeves family were present tonight to show support for this petition. He said John Wieland Homes was presenting it as an authorized agent. He stated that it consisted of two tracts of land with the Southern tract consisting of 249 acres and would render 97 lots with the condition proposed by the Planning and Zoning Commission. He said the Northern tract consisted of 118 acres and would render 43 lots. He said the Northern tract included the old Reeves home place.

Commissioner Wells clarified the petition that the Board was considering at this time was the one consisting of 97 lots and would be the Southern tract.

Chairman Dunn said one of the confusing issues of these proposals was that both sets of drawings pointed to the Northern tract and said they applied to that one.

Mr. Parrott remarked that the Southern tract consisted of 249 acres and would render 97 lots and the rezoning requested was to go from R-70 which was one unit per two acres to the C-S zoning designation which was the conservation subdivision. He said the applicant had gone through the process that the County had in place of producing a yield plan which would show how many lots could be developed in its current zoning. He said the result of that indicated that it currently could be developed 97 lots. He said if this zoning was granted there would be no greater density. He said John Wieland had reviewed the C-S zoning ordinance itself which contained various interests and objectives that it serves. He said the proposed development did meet all of the criteria. He said this was reduced lot size clustered to protect the natural attributes and provide open space. He said they had attempted to the greatest extent possible to preserve the greenspace in an area so as to buffer it from adjacent properties. He said the open space would be protected in the deed records of Fayette County and it would be permanent. He remarked that the C-S zoning ordinance would result in fewer impervious surfaces and there would be less streets and driveways which would result in less stormwater discharge. He said there would be less trees that would have to be cut down. He noted that the environment was well protected. He said with lower infrastructure costs and fewer streets the County would have less to maintain as well. He said it was also in keeping with the County's objective to preserve 20% of the County's greenspace.

Mr. Parrott further remarked that this property was located just South of Fox Hollow Farms which was zoned R-45 and was currently developed at one unit per acre. He said the net development would be less dense than the adjacent property. He said everything else surrounding the project was R-70 with one exception across the street on S.R. 92. He remarked that at this point, the Reeves family would like to address the Board.

Quillian Reeves said he and his brother Walton Reeves were present tonight to comment on this proposed development. He said they were the sons of Dorothy and Harrison Reeves and they were the ones who purchased this property. He said the property was zoned R-70. He said they had planned to develop this property for a long time based on the R-70 density. He said they have had what they felt were other threats to this property through the years. He said at one time the County was thinking about doing a recreational facility and converting the 250 acres on the bottom section for a recreational facility with baseball fields and lights. He said this was just not what the family had envisioned for the property. He remarked that in 2001 when the conservation subdivision ordinance became an available zoning category, they became so excited about that for all of the reasons that could be visualized for the property. He remarked that the area in green was all of the property that would be used for greenspace and it would be protected. He said they were trying to protect those sensitive areas of the property and accentuate the positives of the property. He said they wanted to minimize the negative impacts of development. He said these were all things that they as owners were very sensitive to.

Mr. Reeves further remarked that an R-70 plan would not address that and the open and perpetual green space would not be seen. He said from the family's perspective they were tremendously supportive of this project. He said the conservation subdivision plan originated with the Atlanta Regional Commission and he felt it was in agreement with the Georgia Greenspace Program and the Fayette Greenspace Program. He said all of these were policies that had been set out as things that this community wanted to accomplish. He said given the R-70 to get all of this greenspace he felt was just a tremendous bonus and extremely foresighted. He said this was the direction that the family wanted for the property and he hoped that the Board would see this as a win/win and total benefit for the community. He said they were also very excited that John Wieland Homes and Neighborhoods was doing this project and bringing their strength and financial backing, experience and commitment to the County and the different municipalities to the table. He said John Wieland Homes was a long time builder and developer here in Fayette County and he felt they contributed a tremendous amount. He said the family was concerned with their neighbors and they wanted to make sure that the person who backed this development was the strongest and most capable as possible.

Brad Parrott remarked that the Planning and Zoning Commission had proposed one condition and that condition was that an additional buffer be provided at the entrance on S.R. 92 to provide an additional vegetative screen. He said John Wieland Homes was agreeable to this condition and would accept it with one proviso. He said because of the fifty (50) foot buffer, the street would be pushed fifty (50) feet deeper into the property and

would require a street length variance of fifty (50) feet. He said in order to accommodate the additional buffer, it would require a variance just on street length.

Commissioner Frady asked if the Planning Commission had addressed that.

Mr. Parrott responded that the Planning Commissioners said that they would support a variance but he was not sure of any statement beyond that.

Mr. Frisina remarked that this issue would be addressed at the preliminary plat stage.

Commissioner Wells interjected that this could be worked out.

Mr. Frisina stated that John Wieland Homes had turned in new plats and staff had reviewed them and they had met the condition. He said he did not think there was a problem with road length because of that.

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

Mickey Graves, 215 Eastin Road, Fayetteville said he had a couple of questions. He questioned if the Southern piece of property would currently yield 97 houses, why was it so important that the zoning be changed to allow the houses in a more dense area. He said the other issue was that every time zoning had come up for this part of the County which was currently zoned R-70 the Board really stressed the fact that this part of the County was zoned that way because it was part of the water recharge table and that the Board did not want to see the density in that area change. He said he had a rezoning before the Board a few years ago and had to go with larger lots than he would have wanted to just because of this reason. He pointed out that the applicant was going to go with the C-S zoning because they wanted to conserve the greenspace. He said from what he knew about the lay of the land with two lakes, the marshy areas, the gas pipeline and the water line that runs through the property that area could not be used anyway. He felt they were conveniently saying that they would set aside that portion of the property and not use it but it could not be used anyway.

Judy Chastain, 1019 New Hope Road, Fayetteville said she was concerned with the continued development in that area because it was already so congested with the infrastructure. She felt Mr. Graves had asked some really great questions that she would like to hear the answers to as well. She remarked that the infrastructure on North S.R. 92 was already horrendous. She said she had looked at the prints on this proposed development and it indicated approximately 970 entrances and exits per day. She said some of that would dump off onto S.R. 92 North and some of it on Eastin Road. She stated that she was very concerned as a citizen and the burden to the infrastructure there in that area. She said this was her main concern.

Chairman Dunn asked Brad Parrott if he had any rebuttal.

Brad Parrott remarked on the first question as to why the zoning ordinance had to be changed. He said this would obviously benefit the developer or they would not be asking this to be done. He said the benefits were two fold. He said one of the benefits would be the lower infrastructure which would result in lower development costs. He said secondly the saving of greenspace was something that modern customers liked. He said customers liked an environmentally sensitive neighborhood which this would be. He said this was the purpose of the ordinance itself. He remarked on the second question. He said this question was directed at the notion that by going to a C-S zoning ordinance that this would allow the rendering of more lots. He said he had been a party to rezoning matters in other jurisdictions where this was true where a developer could shift lots away from a flood plain and thereby get more lots on higher land at higher density than they would otherwise. He said that Fayette County's ordinance did not have such a loop hole. He said he had presented a yield plan which showed how the property could currently be developed and the number of lots that could be developed under the current zoning ordinance was no different than if the C-S zoning was approved.

Commissioner Wells said this would be taking into consideration the lakes and the low lands and Mr. Parrott agreed.

Mr. Parrott further commented on the remark concerning the traffic and congestion. He said there was no question that developing this property would create more traffic. He said the property would develop and could develop in its current zoning. He said when he moved to Fayette County there was only one stop light and the only grocery store was the Food Giant. He said property would definitely develop here. He said he certainly understood the concerns about the traffic but people who owned property had the right to develop their property. He said currently the property could be developed as it was and it would create the same number of trips per day. He said this request for zoning would not change anything but the fact that it would develop would change traffic.

Quillian Reeves said he would like to address Mr. Graves and Ms. Chastain's concerns. He said he had gone back and reread Fayette County's Greenspace Program today. He stated they hoped that they could show developers that creating greenspace such as this would increase property values so that they could be encouraged to do this. He said he was interested that this was actually a stated purpose. He said it had been stated as policy to try to encourage conservation subdivisions and to shift density away from the more sensitive areas of the property. He felt this was the purpose of the conservation subdivision and this project would accomplish that.

Chairman Dunn asked if the Board members had any further questions or comments.

Commissioner Frady remarked that he wanted to clarify that the conservation subdivision zoning was done to encourage open space, recreation and things of that nature. He said it would not add anymore school children, no additional traffic, and no additional houses. He said it would not affect anything of this nature that had been mentioned. He felt this was an area where this zoning would fit and he felt this was what it was made for.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve Petition No. 1159-05 with one recommended condition, discussion followed.

Commissioner Pfeifer commented this zoning request as well as the request before this one and the rezoning request at the last meeting were all difficult pieces of property. He said a friend had stated that he felt this would encourage builders to go and try to obtain difficult pieces of property and try to purchase the property for less. He said one of the benefits was that there was always a question of a lot being suitable for building. He said one of the benefits of the C-S zoning was that it moves the questionable lots out of the building area and thereby discourages the builder from cutting corners and putting houses on lots that really were not suitable but might get by with. He said the County would not have to go out and check up and down every lot to make sure that they were not doing that and therefore nobody would get stuck down the road with a lot that should not have been built on anyway.

Commissioner Wells said she agreed with Commissioner Pfeifer but she wanted to clarify this somewhat. She said these types of zoning whether they were C-S or Estate in no way guarantee that there would not be a lot that would not perk and that there might not be somebody's system that would fail in the future. She said the County was not making any warranties or guarantees with that. She said this was not to say that the County would not go out and be diligent in checking. She said this would give the builder a lot more options on that piece of land rather than trying to cram all of the houses in that particular area and take some risks on lots that perhaps would not as buildable. She said the issue of having 97 lots was questionable. She said there might be a lot or two that would not perk and could not be built on. She remarked on Ms. Chastain's comments regarding the infrastructure. She said everyone on this Board was very concerned about infrastructure. She felt this had been shown by the way it had voted and the stance that it had maintained that the Board wanted infrastructure in place before anything could be allowed to be developed that would not ordinarily occur. She said the infrastructure here was already in place for the two acre lots. She said this piece of property was buildable at two acre lots. She said even if the Board denied this request tonight, the builders could just as easily come in and develop it as R-70 and there would still be the same numbers. She said the bottom line was that this piece of property was going to be developed and it was properly zoned. She said this was a proper request to asked for C-S. She said the Board would have to determine what was in the best interest of the citizens in the area and Fayette County as a whole. She said everyone would agree that more greenspace, more recreation, maintaining the environment and keeping the groundwater runoff at a minimum were all very positive. She said there would be growth occurring in Fayette County and the

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Board was trying to keep it at a minimum and as standardized as possible with the infrastructure in place. She said there would be traffic there and there would be children in the schools but she felt the County had planned well enough that the infrastructure was there and could accommodate the building. She felt C-S zoning was in the best interest of, not just the developers, but also for the community at large.

Chairman Dunn said the question before this Board tonight, because this was a legally zoned area of R-70, really comes down to which proposal the Board would adopt. He felt the plan on the top of the map had a much better chance of preserving the water and the wetlands than the plan on the bottom. He said it would also provide the people who were going to live there access to and use of the water. He said the plan on the bottom of the screen show parts of the water source and wetlands could be as individual lots. He said that would be legal to include that property as part of someone's private lot. He said that property could be privately owned and it was harder for the community to preserve the greenspace and to preserve the water sources. He said the question before the Board tonight was not that difficult. He said the decision was between the plan on the top of the screen or the plan at the bottom of the screen. He said both of these plans were legal. He said developers would be entitled to build on this land. He said the zoning which had existed on this piece of property for many, many years was acceptable by law. He said the Board could approve either one. He remarked that this Board brought conservation zoning into effect in order to have more greenspace and people could use it and it could be protected better than having individual owners with little pieces of wetland.

Chairman Dunn further remarked that in 1995 these two pieces of property rezoning requests came before this Board and the Board at that time turned this down because the request was for 251 lots. He said the total number of lots on these two rezoning requests tonight was 140. He noted that this was 111 less lots because the developer was not allowed to over develop a few years back. He said property owners did have a right to develop the property that they owned. He remarked that this Board has fought hard to allow as little density as possible and take care of their rights and also the aesthetics of the community and health and welfare of the citizens of the community. He said he had spoken to the Planning and Zoning staff at length and the process on this piece of property was described to him as being very intense and very difficult at times because there were so many things that the Board had asked them to do. He said this developer had accommodated the County with everything that was being asked for as well as additional buffering and so forth. He felt this was the best way to develop this property with R-70 density on it and as a C-S subdivision. He said he would be in support of this request. He thanked the developer and the property owners for working so well with the County under difficult conditions at times with the things that the Board was trying to accomplish.

The motion carried 4-0. A copy of the recommended condition, Staff's Analysis and Investigation, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1159-05, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

PETITION NO. 1160-05:

Director of Community Development Pete Frisina read Petition No. 1160-05, Dorothy Q. Reeves, Managing Member of Morning Creek, LLC, a Georgia Limited Liability Company, Owner, and Dan Fields, Vice President of John Wieland Homes, Agent, request to rezone 118.37 acres from R-70 to C-S to develop a proposed subdivision consisting of 45 lots. He said this property was located in Land Lots 223, 224, 225, and 226 of the 5th District and fronted on S.R. 92 North. He said the Planning Commission recommended approval subject to the two (2) recommended conditions (5-0) and Staff recommended approval subject to two (2) recommended conditions.

Brad Parrott representing John Wieland Homes remarked that the only difference on the Northern tract was that there were two conditions rather than just one. He said the second condition was a reduction in the number of lots from 45 to 43. He said this was a result of saving the old Reeves family home place. He remarked that this house was believed to be the oldest home in Fayette County. He said because the home existed there it would count as a unit and the Planning and Zoning Staff recommended a reduction of two lots. He said the home sits on a five acre tract. He said John Wieland Homes agreed with that condition in addition to the fifty (50) foot buffer along S.R. 92.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve Petition No. 1160-05 with two recommended conditions. The motion carried 4-0. A copy of the recommended conditions, Staff's Analysis and Investigation, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1160-05, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

ORDINANCE NO. 2006-01 - AMENDMENTS TO THE FAYETTE COUNTY SUBDIVISION REGULATIONS REGARDING SECTION 6. MINIMUM DESIGN STANDARDS, 6-5.3 STREET LENGTH ADOPTED:

Director of Community Development Pete Frisina remarked that this item was in regard to proposed amendments to the Fayette County Subdivision Regulations regarding Section 6. Minimum Design Standards, 6-5.3 Street Length as presented by the Engineering Department. He said the Planning Commission recommended approval (5-0).

Director of Engineering Phil Mallon remarked that this item was just a housekeeping item in order to correct a reference within the subdivision regulations to a zoning ordinance. He said this in no way changed the practical implementation of this ordinance.

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

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the Amendments to the Fayette County Subdivision Regulations regarding Section 6. Minimum Design Standards, 6-5.3 Street Length as presented. The motion carried 4-0. A copy of Ordinance No. 2006-01, identified as "Attachment No. 7", follows these minutes and are made an official part hereof.

ORDINANCE NO. 2006-02 - AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING DIVISION 4. FLOOD HAZARD REDUCTION, SECTION 8-154. STANDARDS FOR SUBDIVISION PROPOSALS ADOPTED:

Director of Engineering Phil Mallon remarked that this item regarded the proposed Amendments to the Fayette County Development Regulations regarding Division 4. Flood Hazard Reduction, Section 8-154. Standards for subdivision proposals as presented by the Engineering Department. He said the Planning Commission recommended approval (5-0).

Mr. Mallon remarked that this was a proposed change to the County's flood plain regulations. He said this was the first of several changes that staff was currently working on all with the goal of helping ensure that all new lots created in Fayette County have adequate buildable area for houses and structures. He said it was not uncommon for his office to come across lots that were in some cases very old or fairly new where homeowners had purchased a large tract of land such as two to three acres and they did not have room to build a swimming pool because of a watershed protection setback. He said if there was a septic tank failure, they might not have adequate room for replacement options. He said staff was working on other regulations and this was the first of those. He said this one was a relatively small change. He said staff was recommending that the existing one acre minimum that had to be outside the one hundred year flood plain should be contiguous. He remarked that as a practical matter, staff had worked with developers to reach that goal but had not had this in writing to enforce it if they were opposed. He said in general, staff had been successful in meeting that goal but they were requesting the Board's consideration for this change. He noted that the last sentence did not change this ordinance at all but addressed the fact that some non-residential lots might be less than one acre. He said if that was the case, staff would not require them to have more than one acre outside of the flood plain especially if the lot itself was less than one acre.

Chairman Dunn noted that non-residential lots would be less than one acre.

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

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the Amendments to the Fayette County Development Regulations regarding Division 4. Flood Hazard Reduction. Section 8-154. Standards for Subdivision Proposals as presented, discussion followed.

Commissioner Wells felt it was very important for everyone to understand that the Board was not trying to encroach upon anybody's buildable land but merely giving Staff the words with which to do what they had already been doing and that was helping people work through the best development in placing their house on a piece of property that might in the future need to have a swimming pool or a secondary area for a septic tank. She said this would just protect the people who would purchase the property and homes in the future.

Commissioner Frady said the Planning Commission had held two meetings on this item. He said there were several people at one of the meetings who tried to clarify what they were really trying to do and the Planning Commission held another meeting to explain this further. He said after that meeting, people were satisfied with the changes.

The motion carried 4-0. A copy of Ordinance No. 2006-02, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

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

WATER SYSTEM: Approval of request from the Director of Purchasing to approve the Water System's request to trade in a worn out 1988 loader/backhoe and use those funds toward the purchase of a new loader/backhoe. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

MALLETT CONSULTING: Approval of Notice to Proceed to Mallett Consulting for road resurfacing projects to be funded by S.P.L.O.S.T. revenues. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

RESOLUTION NO. 2006-04 - QUALIFYING FEES FOR 2006 ESTABLISHED:

Approval of Resolution No. 2006-04 establishing qualifying fees for 2006 general elections in Fayette County. A copy of Resolution No. 2006-04, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on December 15, 2005.

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.

John Thompson: John Thompson, who lives in Fox Hollow Farms, expressed concern with the increased traffic on S.R. 92 and how difficult it was for residents to get in and out of the subdivision.

Chairman Dunn remarked that Public Works Director Lee Hearn would be glad to discuss the County-wide transportation plan with Mr. Thompson and answer any questions that he might have.

STAFF REPORTS:

ATTORNEY MCNALLY: Attorney McNally asked for the Board's consideration to authorize the Chairman to execute an Agreement allowing the D.O.T. the easement rights to have the road right-of-way extended over to and including the waterline at S.R. 85 and Morning Creek Bridge. He remarked that several years ago the Fayette County Water System put in a water line there and acquired the easement to put that water line in. He said the D.O.T. was requesting that the County give them the easement rights to have the road right-of-way extend over to and include the waterline. He said the waterline would not have to be moved at this point.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize the Chairman to execute an Agreement allowing the D.O.T. the easement rights to have the road right-of-way extended over to and including the waterline at S.R.85 and Morning Creek Bridge, discussion followed.

Chairman Dunn remarked that a lot of work had been done on Morning Creek bridge a few years ago on the South bound lane. He said the North bound lane was constructed in 1947 and the State was taking steps to improve this and had pushed up their construction schedule for this project. He said he understood that there would be a pass in the easement so that the traffic would not have to go down to one lane.

The motion carried 4-0. A copy of the Agreement, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

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

RESOLUTION NO. 2006-05 - SUPPORT OF HOUSE BILL 962 REGARDING THE FAIR ANNEXATION ACT: Chairman Dunn asked for the Board's consideration in authorizing him to execute Resolution No. 2006-05 supporting House Bill 962 regarding the Fair Annexation Act. He said this would level the playing field for annexation actions between the cities and counties. He said under the current law the cities have the final say in an annexation. He said the Resolution would be sent to the State House showing the County's support of the Bill in its current format. He said this Bill would go through both Houses for discussion and it might come out a little bit different but he was recommending the Bill in this format.

Commissioner Pfeifer said he was at a forum the last time he had run for office and one of the questions asked of the County Commission candidates was what could be done about all of the annexation that was going on. He said the point he had raised at the time was that this was a State Legislative issue. He said his feelings on annexation were very well known but the County's hands were pretty much tied by the State Legislature. He said anyone with strong feelings on annexation should contact their State Legislators and urge them to support this measure.

Chairman Dunn pointed out that this Bill would not prohibit any annexations but would prohibit annexations where, in certain circumstances, the County would not agree with them. He said during the last couple of years this Board had approved some annexations for the cities without objection because they did make sense to both parties. He said this Bill would in no way interfere with that but when there was an impasse the City cannot proceed with the annexation without the concurrence of the County.

Commissioner Frady remarked that this would be step one so that the County would have some say so as to when annexation can take place.

Chairman Dunn remarked that the Association of County Commissioners of Georgia which represented 159 counties in the State of Georgia was very much in favor of this Bill and also helped to write it for the Representative who produced it.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to authorize the Chairman to execute Resolution No. 2006-05 for adoption and submittal to the State House. The motion carried 4-0. A copy of Resolution No. 2006-05, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

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EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss two legal items. The motion carried 4-0.

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

The Board took no action on this matter.

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

It was the consensus of the Board that Attorney Davenport proceed in 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 two legal items were discussed in executive session. The motion carried 4-0. 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 8:45 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 1st day of February, 2006.

Karen Morley, Chief Deputy Clerk