

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, July 26, 2007, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Jack Smith, Chairman
Herb Frady, Vice Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer

STAFF MEMBERS PRESENT: Jack Krakeel, Interim County Administrator
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Smith called the meeting to order.
Commissioner Pfeifer led the Invocation
Pledge of Allegiance.

RECOGNITION OF DONNA EVANS FOR RECEIVING THE SOUTHEASTERN ANIMAL CONTROL ASSOCIATION'S EXCEPTIONAL EMPLOYEE AWARD:

Director of Animal Control Miguel Abi-Hassan remarked that earlier this year he had submitted a nomination for Fayette County's longest serving Animal Control Officer Donna Evans. He said Officer Evans had committed eighteen years of exceptional service to Fayette County exemplifying the very core of animal control services. He said the Southeastern Animal Control Association, one of the largest regional governing boards, gladly honored this nomination. He remarked that on June 7th Donna was presented with the Annual Exceptional Employee Award for her ability to lead an admirable path and inspire others in the work place and beyond. He said it was his pleasure tonight to bring this award back home to the community and present it to Officer Donna Evans.

Donna Evans said she would like to thank Miguel for taking his time to submit the nomination letter. She said she would also like to thank all of the past and present Board of Commissioners for their continued efforts to make Fayette County a great place to work.

Chairman Smith thanked Ms. Evans and congratulated her on this award. He said her award was a testament to her in staying with the job that he was sure sometimes pulled at her heart strings. He thanked her for a job well done.

RECOGNITION OF CAPTAIN RANDY HITCH AND LIEUTENANT JASON CRENSHAW:

The Board recognized Captain Randy Hitch on his promotion to the position of Captain and Lieutenant Jason Crenshaw on his promotion to the position of Lieutenant in the Fire and Emergency Services Department.

Acting Chief Allen McCullough of Fire and Emergency Services remarked that traditionally this department had recognized new fire fighter/EMT cadets in a formal ceremony during graduation when these individuals would be sworn into their official capacity as public safety officers. He said the department would like to begin a new tradition this year by officially presenting new officers to the Board as they assumed their new roles in supervision, management and leadership. He said recently they had accepted the resignation of one of their captains in Fire and EMS operations. He said as a result, this had created an opening both for the position of Captain and subsequently a replacement for the position of Lieutenant. He said he was pleased to present to the Board the men who would be assuming these new roles. He introduced firefighter paramedic Jason Crenshaw. He said Jason would be assuming his new position as a lieutenant. He said Lieutenant Randy Hitch would be assuming his new position as a captain. He said Jason Crenshaw had been a firefighter/paramedic with the Department of Fire and Emergency Services for eight years and was also a critical care paramedic with various instructor certifications. He said Jason also held an Associate's Degree in Fire Science and was one of the department's very best paramedics.

Acting Chief McCullough remarked that Randy Hitch had served the Department for twelve years with six of those years being as a Lieutenant. He said Randy was also a firefighter/paramedic and noted that all of the officers in the organization were cross trained not just as firefighter/EMT's but also as firefighter paramedics. He said Randy also held a Bachelor's Degree in Organizational Management as well as various instructor ratings and was very active in this Department. He said the Department was very proud of both of these individuals who have dedicated their lives to public safety.

Chairman Smith read the Loyalty Oath to Randy Hitch and Jason Crenshaw.

Interim County Administrator Jack Krakeel thanked both of these individuals for their service, dedication and loyalty to the Department of Fire and Emergency Services.

PRESENTATION BY THE ATLANTA REGIONAL COMMISSION (ARC) ON THE DRAFT ENVISION 6 TRANSPORTATION IMPROVEMENT PLAN (FY 2008-2013):

Senior Principle Planner John Orr of the Atlanta Regional Commission discussed the Envision 6 Transportation Improvement Plan for FY 2008-2013. He said the staff of the

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A.R.C. was visiting with all of the County Commissions in the region to provide an update of the R.T.P. that was currently in development. He said Envision 6 was the update of the region's transportation plan. He said under the current Federal Government requirements the region had to maintain its twenty-year transportation plan. He said the A.R.C. was required to update this at least every three years and one of the big requirements was that there could not be any projects in the plan unless there was funding to implement the project. He said one of the biggest challenges was the issue of population growth. He said between the year 2000 and 2006 the Atlanta Metropolitan area added more people than any other metropolitan area in the entire Nation. He said the Atlanta Metropolitan area added almost 900,000 people during the past six years. He said this had obviously proven to be a major challenge for everyone.

Mr. Orr further remarked that one item they had discovered in the update of the population forecast had been that it was expected that this growth would continue in the future. He said almost 7,000,000 people were expected by 2030. He said currently there were 4.2 million people in the Atlanta Metropolitan area. He said this was a population about the size of the Metropolitan Portland Oregon area. He said he wanted to make the point that they were required per Federal regulations to have a balanced transportation plan where there could not be more projects than there was funding to pay for. He said during this plan update cycle this proved to be a major challenge due to the fact that the area had experienced such high and rapid growth in costs for transportation projects specifically concrete and steel. He noted that costs had increased approximately 30% over the past two to three years. He said also they were seeing a significant funding crisis that had arisen in Washington and also at the State level where there had been more spending of the highway trust fund than money going into it. He said the A.R.C. was faced with some significant funding challenges in the coming years.

Mr. Orr remarked that the Regional Transportation Plan was an approximate \$66.5 billion program between now and the year 2030. He said this was a tremendous amount of money that comes from a variety of sources including local, Federal and State for a variety of projects. He said the vast majority of funds were spent on maintaining and operating the system and this was approximately 60% of the total funding. He said that only left approximately 37% or approximately \$25 billion to go toward system and expansion projects such as road widenings, building new transit systems and so forth. He said a large part of the \$25 billion was really earmarked type funds going to MARTA which was from their sales tax referendum.

Mr. Orr further remarked that several changes had been made in the R.T.P. He said one of those changes was the addition of the truck only lanes. He said there had been a lot of discussion and study at the Georgia D.O.T. level about implementing a truck

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lane network in the region. He said this lane would be barrier separated and only for trucks so that they would be away from the general purpose traffic on the interstates. He said the first truck lane project had been proposed and it was on I-75 North just North of I-285. He noted that this would be a public/private partnership. He said this was a new project for the R.T.P.

Mr. Orr remarked that another concept that they were studying right now for implementation in this R.T.P. was the express toll lanes network. He said toll lanes would be added to the existing interstates around the region similar to the toll lanes on Georgia Highway 400 with the electronic transmitters. He said that was something that very much looked like it was going to be part of the future. He said a big part of Fayette County would involve I-85 South and I-75 South. He said both of these were very critical projects. He said unfortunately due to the funding crisis there was no current funding available for the I-85 South segment. He said there was also a lot of focus in the transportation plan on arterial roadway improvements. He said there were a lot of facilities scheduled to be widened in Fayette County. He said there needed to be a better connection to the suburban county seats around the region. He noted that a lot of the congestion was located on S.R. 92 and also S.R. 20. He said these were high priority routes that needed to be constructed as soon as possible for the multi-lane roadway network. He said there were also several strategies in place to address a lot of the region's bottlenecks on the interstates. He said the A.R.C. was forecasting that congestion was going to worsen approximately 11% to 25% between now and 2030.

Mr. Orr remarked that the commuter rail line would be the biggest project that would impact a lot of the Southern counties. He said the next major transit project to be implemented in the region was going to be the I-75 North bus rapid transit project. He said he would like to mention that bicycle and pedestrian strategies were a critical part of the overall plan for a lot of reasons. He remarked that there had been no other County in the region that had done a better job with this type of plan than Fayette County and also the Cities. He said there was a funding program in the R.T.P. to help support local governments in their efforts to implement regional bicycle facilities and multi-use trails. He said there was also a program set up to help local governments in the State to re-time signals and improve intersections. He said these were important strategies to help with congestion in the region.

Mr. Orr commented on air quality in the region. He said back in 1999 and 2000 this proved to be a very big issue for the region. He said the region was bound by a conformity lapse and was not allowed by the Federal Government to widen roads. He felt this challenge had been overcome and budgets had been met by the State regarding tail pipe emissions for ozone and also particulate matter.

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Mr. Orr remarked on some of the Fayette County projects. He said there were a lot of good projects that were very near to completion or getting ready to start. He said the S.R. 74 project has always been a very high priority of the County for several years and was moving now. He said the next major project that would begin construction in the County would be in FY 2008 and this would be the second segment of S.R. 74 from S.R. 85 over to Crosstown Drive. He remarked that the first phase of the State Route 85 project was getting toward some major milestones for its implementation. He said in FY 2009 the right-of-way was scheduled to be acquired for that project and this was a very critical project phase that had to be addressed. He said moving into FY 2010 a very important project not only to the city and the county but to the entire region due to its importance was the first segment of the East Fayetteville Bypass. He said this project should do a lot to help with the congestion situation here in Fayette County as well as a lot of the regional traffic challenges.

Mr. Orr further remarked that it was the commitment of the Atlanta Regional Commission to the County and the Cities to get the bypasses implemented in and around Fayetteville. He said they see this as an absolutely critical project and would make sure that it moved along as quickly as possible. He commented on the funding situation. He said one of the real challenges that the region and the State were really facing involved significant funding challenges. He said on the Federal level when a person tanks up their vehicle with gasoline approximately 19¢ goes to Washington, D.C. for each gallon of gasoline. He said part of this comes back to the State of Georgia and that was called the Highway Trust Fund. He said the current level of spending had been maintained because there had been a surplus in the Trust Fund, but by the year 2009 the surplus on the highway side was going to be exhausted. He said in 2012 the transit side of the surplus would be exhausted. He said this did not mean that transportation spending was going to stop but there would probably be some cutbacks in funding assistance from Washington, D.C. He said it was going to be more and more important in the future to make sure the County was doing everything that could be done at the local level to get projects designed and right-of-way purchased. He pointed out that Fayette County had been very successful with its Sales Tax Program in getting a lot of the design work and right-of-way purchased.

Mr. Orr said the A.R.C. was currently in the official public involvement period for the transportation plan review. He said this was listed on the A.R.C.'s website and the public involvement period did not end until August 23rd. He said the current goal was to take the recommended short range transportation improvement program which was six years in the plan to the A.R.C. board in September for review and possible approval. He said after that another update process would start and hopefully another update approved by June, 2008. He thanked the Board for allowing him to speak tonight. He said he would be glad to answer any questions that the Board might have.

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Commissioner Frady said he had a question regarding the gasoline tax. He asked what portion of the tax was the State's portion.

Mr. Orr replied that approximately 19¢ goes to Washington, D.C. He said then the 4% sales tax would be added and then the 7½¢ excise tax would be added to that. He said it would come to approximately 30¢. He said this would depend on the cost of gasoline.

Commissioner Frady asked Mr. Orr if he had the ability to determine what portion of that money came from each County or area.

Mr. Orr replied no, they had not been able to determine that. He said the reason was the way in which the State collected the motor fuel taxes. He said they come from large service facilities such as the one in Doraville. He said they were also interested in this information but had been told that there was no mechanism in place to get that information.

Commissioner Pfeifer asked how much of the funds were sent to Washington, D.C. and how much was returned to the State of Georgia.

Mr. Orr responded yes that was known. He said at the minimum the County should receive 92% coming back to the State of Georgia of the amount that was paid in. He said after the earmarks and set asides were removed the State would get closer to 85% back.

Chairman Smith questioned the express lanes and asked if another lane was going to be added to the interstate or just changing an existing lane into an express toll lane.

Mr. Orr replied this was a large part of these discussions going on right now. He said from the Board's standpoint the preference was to add a lane to the interstate so the existing capacity could be preserved. He said there was a lot of discussion at the State level regarding the H.O.V. lanes and converting those over into a toll facility.

Chairman Smith thanked Mr. Orr for his presentation and for the time spent on getting all of the background information to get the County to this point.

REZONING RULES: Director of Community Development Pete Frisina remarked that tonight's public hearing was for the Board of Commissioners to consider a request for rezoning of property and any proposed amendments related to County codes and regulations. He said Fayette County required two public hearings for these requests. He said the first public hearing on the first Thursday of every month was held by the Fayette County Planning Commission and their vote was a recommendation to the

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Fayette County Board of Commissioners. He said the second public hearing was held on the fourth Thursday of every month by the Board of Commissioners and their vote was the final decision of the County.

Mr. Frisina said procedures for public hearings of each agenda item were as follows: (1) presentation by the petitioner. He said once the agenda item was announced the petitioner will present the request to the Board of Commissioners. He said the petitioner along with those speaking in favor of the request would be granted a cumulative total of fifteen (15) minutes for presentation and rebuttal. (2) public comment. He said after the petitioner's presentation the Chairman of the Board of Commissioners would ask for public comment. He said speakers would have a total of three (3) minutes each to address the Board of Commissioners. He said first the Board of Commissioners would hear those in favor of the request and then the Board would hear those opposed to the request. He said a cumulative total of fifteen (15) minutes would be granted to each side. He said this pertained to speakers in favor of the request and those opposed. He said each person who wished to speak to the Board would come to the podium and print his/her name and address on the form provided so that each speaker would be accurately identified in the minutes of the meeting. He said speakers were requested to speak only to the Board and not to the applicant or others in the audience. He said if a group wished to speak, then a spokesman should represent the group. He said it was asked that each speaker not repeat the same concerns as previous speakers. He said any items such as photographs or signed petitions that the speaker wished the Board to have should be given to the Marshal. He said after all those in opposition have spoken, the Chairman of the Board would close the floor to further public comment on the agenda item. He said the petitioner would be given the remainder of his/her fifteen (15) minutes for rebuttal and to address the Board about the issues. He said normally a Commissioner would make a motion to either approve, deny, approve with conditions or table and then the motion seconded by another Board member. He remarked that lack of a second would nullify the motion. He said the Board of Commissioners could ask questions or make comments prior to or after a motion was made and seconded. He said following discussion, the Chairman would call for the vote. He said the vote by the Fayette County Board of Commissioners was the final County decision regarding the request.

PETITION NO. 1197-07:

Consideration of Petition No. 1197-07, W. H. Calloway, Owner, and Stan Sugarman of White Road Associates, LLC, Agent, request to rezone 2.509 acres from R-40 to C-C to develop a Convenience Store with Gasoline Sales. This property is located in Land Lot 155 of the 5th District and fronts on S.R. 314 and White Road. Staff recommended tabling said petition until September 6, 2007. The Planning Commission tabled said petition until August 2, 2007.

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Chairman Smith said staff was recommending that the Board table this petition until the Planning Commission meeting was held on September 6th. He said the Board of Commissioners would hear this public hearing item at its September 27th meeting. He said this was the result of this property being located in an island within the City of Fayetteville. He said the City of Fayetteville had notified the Board that they were in the process of annexing this property into the City of Fayetteville and were requesting this Board to take no action on this item tonight.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to table this item to the Board of Commissioners meeting scheduled for September 27, 2007 after the Planning Commission discusses this at their September 6, 2007 meeting. The motion carried 5-0.

PETITION NO. 1198-07:

Director of Community Development Pete Frisina read Petition No. 1198-07, Brett Vincent, Owner, and Attorney Steven Ott, Agent, request to rezone 1.872 acres from A-R and R-20 to R-20 to develop one (1) single-family dwelling lot. He said this property was located in Land Lots 43 and 22 of the 5th District and fronted on Morgan Road. He said Staff recommended approval with one (1) condition and the Planning Commission recommended approval subject to one (1) recommended condition 5-0.

Chairman Smith asked if the petitioner was present for this discussion.

Attorney Steven Ott said he was the agent for the petitioner. He said Mr. Vincent purchased this property at which time there was a single-family dwelling on the property. He said that home burned to the ground and Mr. Vincent was left with a lot. He said when Mr. Vincent sought to relocate another single-family house onto this lot he learned that he could not do that because the zoning was A-R and the property less than two acres. He said at that point in time he became involved in the matter. He said Attorney Overman was present and would be glad to answer any questions the Board might have regarding the title of the property or the title search he had conducted. He said he then determined that part of the property was already zoned R-20 and they were asking for the Board's consideration to rezone the entire 1.872 acres to R-20 so that Mr. Vincent could simply replace the single-family home that was destroyed by fire. He said the recommended condition regarded right-of-way for future improvements to the road and Mr. Vincent was certainly in agreement with that recommended condition. He said if the County wanted to prepare those deeds, then that would be fine or he could do that if the Board so desired. He said Mr. Vincent wanted to put one single-family home on the 1.872 acres with part of the property being the closest to the road being zoned R-20 already. He said they would be glad to answer any questions that the Board might have.

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Chairman Smith asked if any members of the Board had any questions.

Commissioner Horgan questioned why part of this property was zoned R-20 and the other part zoned A-R.

Attorney Ott replied that one side of Morgan Road was all zoned R-20 but Mr. Overton felt like it was because of the land lot lines rather than the road that was used as the marker for the R-20 in A-R. He said Mr. Vincent was not interested in doing anything other than just replacing the home that burned down. He said in their investigation it was determined that there was no Warranty Deed but there was a Security Deed. He said the County Attorney was of the opinion that it did not and this was the reason they were requesting the rezoning instead.

Commissioner Frady noted that the house existed on the 1.872 acre property from 1976 until April 2, 2007.

Commissioner Horgan asked if the proposed home would be the same size home that burned.

Mr. Vincent replied that the home would be 1,500 square feet.

Commissioner Maxwell asked if this was a rental home or Mr. Vincent's private home.

Mr. Vincent responded that the home would be a rental home.

Commissioner Maxwell asked if this was going to be a 1,500 square foot home would there be any objection to R-40 zoning instead of the R-20. He said the parameters were for a 1,500 square foot home on two acres for R-40 zoning and the R-20 zoning would be for a 1,200 square foot home on two acres. He said this property abutted up to A-R zoned property and he was trying to find a way to buffer so that there would not be a lot of R-20 zoning requests that come out of this request. He said if the property was R-40, then anyone coming before the Board in the future and wanting A-R zoning that they would not actually be rezoning for a lot of rental homes.

Mr. Vincent interjected that 1,500 square feet was consistent with what was built there before and what was currently in the surrounding area. He agreed it made more sense to have a 1,500 square foot home on the property as opposed to a 1,200 square foot home on two acres.

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Mr. Overton felt there would not be any objection to the R-40 zoning but remarked that would require more square feet. He remarked that across from Morgan Road there were other R-20 lots.

Commissioner Frady clarified that R-40 required a 1,500 square feet home.

Mr. Frisina interjected that the R-40 was a one acre zoning district and the 1,500 square feet required was for heated square footage.

Mr. Overton felt the reasoning in asking for the R-20 zoning was because of the surrounding property being R-20.

Commissioner Maxwell remarked that North of Morgan Road the property was zoned R-20 but South of Morgan Road the property was all zoned A-R. He said if the Board rezoned this property today for R-20 zoning it would be hard in the future for this Board to argue in the future why the adjacent property should not be R-20.

Chairman Smith asked Mr. Frisina if staff would have any problems with this property being zoned R-40.

Mr. Frisina replied no. He said everything would be the same under R-40 other than just the house size would be 1,500 square feet instead of 1,200 square feet. He said all of the setbacks and dimensional requirements were exactly the same.

Commissioner Horgan asked if in the future any other properties could be divided up and the same situation occur again.

Mr. Frisina replied that this property could not be divided any further because there was not enough land for two full acres. He said this property could not be divided again.

Chairman Smith clarified that it was his understanding that this property was created in a foreclosure and the Deed to Secure Debt foreclosure created the smaller parcel.

Mr. Vincent replied no, that was not correct.

Attorney Overton interjected that the house on this property was built in 1976. He said in approximately 1980 or 1981 the owner of the twelve acres that the house was built on, built a house in the corner of the property and dedicated two acres and a Deed to Secure Debt to build a house. He said the Deed to Secure Debt was paid off and subsequent to that the house and two acres were sold in 1999. He said this was the action that created the situation, that if the house had not burned down, it would still be there today and no one would have had known this information. He said when the

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house burned down and the request was made for a building permit that was the time when staff found out that the house actually had two acres around it. He said the Board was correct in that the house did come from a foreclosure sale but it had nothing to do with the original Deed to Secure Debt which was a conveyance before 1980. He said their interpretation was different from the County Attorney's interpretation. He felt this was the easiest way to come back to this Board of Commissioners and request a rezoning to exhaust all administrative remedies that he could possibly have. He said basically Mr. Vincent had 1.872 acres right now that he could not do anything with at all.

Chairman Smith asked if anyone wished to speak in favor of this rezoning petition. Hearing none, he asked if anyone wished to speak in opposition to the request. Hearing none, he declared the public hearing closed. He asked for the Board's pleasure in this matter.

Commissioner Maxwell said he would like to make a motion to rezone the property to R-40 zoning including the one recommended condition and the stipulation that Mr. Overton would prepare the deed for the transfer.

On motion made by Commissioner Maxwell, seconded by Commissioner Frady to approve Petition No. 1198-07 as R-40 zoning with one recommended condition, discussion followed.

Chairman Smith said he would like to disclose at this point that Mr. Vincent was a campaign contributor to his campaign. He said Mr. Vincent's contribution was more than the \$100 minimum but less than \$500 and this would preclude him from voting on this petition. He also noted that Mr. Vincent was a client of his accounting firm, therefore he would abstain from the vote.

Commissioner Maxwell said he had previously identified that Mr. Ott was his former law partner. He noted that partnership resolved ten years ago. He said he also sat on the bench with Mr. Ott in Peachtree City when they were judges there. He said Mr. Ott also contributed to his campaign. He said Mr. Ott was not the petitioner but simply the agent for the petitioner, therefore he would be voting on this rezoning request but just wanted to disclose this information.

The motion carried 4-0-1 with Chairman Smith abstaining from the vote. A copy of 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. 1198-07 as R-40 zoning, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PETITION NO. 1199-07:

Director of Community Development Pete Frisina read Petition No. 1199-07, HWG Limited Partnership No. 1, Owner, and James E. Kendrick, Agent, request to rezone 5.63 acres from M-1 Conditional to C-H to change from a Feed and Seed General Store to a Convenience Store with Gasoline Sales. He said this property was located in Land Lot 117 of the 4th District and fronted on S.R. 92 South. He said staff recommended approval and the Planning Commission recommended approval 4-1.

Chairman Smith asked if the petitioner or the agent was present for this discussion.

James Kendrick said he was the agent for this rezoning request. He said he was also the operator of the convenience store at the stated location since June of 1997 as a feed and seed general store under the M-1 conditional zoning. He said this only allowed him to do the feed and seed, fertilizer, gasoline sales, lawn and nursery supplies and U-Haul rentals. He said over the years the farm growth and farmers have dwindled out and he had noticed his total sales especially feed sales had gone down approximately 50%. He said he would like to have the zoning changed to C-H (commercial highway) zoning in order to stay a little more competitive with the surrounding businesses and possibly allow him to open the door to do something a little bit different and make some money.

Chairman Smith asked if there were any questions.

Commissioner Frady asked how long this property had been zoned M-1.

Mr. Kendrick replied that originally this was zoned M-1 in 1989. He said there were two conditions added in 1992 and these were for the U-Haul rentals and the nursery sales.

Chairman Smith asked if anyone wished to speak in favor of this rezoning request.

Howard Guthrie remarked that he was the owner of the property. He said he would be glad to answer any questions that the Board might have regarding the property.

Chairman Smith asked Mr. Guthrie if he supported this request.

Mr. Guthrie replied yes, absolutely.

Chairman Smith asked if there was anyone else who wished to speak in favor of this request. Hearing none, he asked if there was anyone who wished to speak in opposition to the rezoning request. Hearing none, he declared the public hearing closed. He asked for the Board's pleasure in this matter.

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On motion made by Commissioner Frady, seconded by Commissioner Maxwell to approve Petition No. 1199-07 as presented, discussion followed.

Commissioner Maxwell remarked if this was an original rezoning request to rezone this property he did not think it would get much "traction" at all. He felt this was simply a house keeping type issue since the business was already down there and this would bring it in compliance with the current zoning. He said for that reason he would vote in favor of the motion. He said if this had been a new rezoning for the property, he could not have supported that. He said he looked at this simply as a house keeping item.

Commissioner Frady said he agreed. He said he could not understand how M-1 zoning was in that area but he felt by approving this C-H zoning it would probably be a much more aesthetic place than it was now. He said for that reason, he would support the rezoning to C-H.

Commissioner Pfeifer said he would support the motion but very reluctantly. He said this was nothing more than spot zoning.

Chairman Smith called for the vote.

The motion carried 5-0. A copy of 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. 1199-07, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

ORDINANCE NO. 2007-07 - CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE III. DEFINITIONS; ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-17. O-I, OFFICE-INSTITUTIONAL DISTRICT; AND ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-1. CONDITIONAL USE APPROVAL, B. CONDITIONAL USES ALLOWED, D. CONDITIONAL USES FOR NON-EMERGENCY MEDICAL TRANSPORT SERVICE :

Director of Community Development Pete Frisina said this item for the Board's consideration was recommended by the Planning Commission 5-0. He said he had previously come before the Board based on a request from Group VI to consider putting a use of non-emergency medical transport into the Office/Institutional District. He said this was something similar that the City of Fayetteville law allowed in their M-O District which was similar to the County's Office/Institutional District. He said this was a service or an industry that was supportive of the medical businesses and it would fit into an Office/Institutional setting especially along the S.R. 54 corridor in the area of the Fayette Community Hospital. He said after he had come before the Board, he appeared before the

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Planning Commission and had come up with a definition for the non-emergency medical transport service. He said this was the kind of industry that was mainly doing prearranged transport either to or from a hospital or medical facility to a nursing home or taking a patient home from the hospital. He said they also would be able to pick up patients from a hospital and transport them to another hospital. He said in those cases they do transport people who could be critically ill and that was why there were equipped with sirens and lights. He noted that these companies did not respond to 911 emergency calls and the bulk of their business was to do prearranged transports and on occasion if they had to they would use the lights and sirens but that would not be normal for them.

Mr. Frisina further remarked that staff had added this as a conditional use in the O-I zoning district with conditions being that they must comply with all State regulations and be licensed by the State of Georgia and that the vehicles which were basically built on a van chassis but have a box on the back for medical services. He said these vehicles would be parked to the side or rear of the principle structure and located in designated parking areas and also require a vegetative screen of some type or a fence that would shield them from the length of the parking bay from street view. He said it would also be required that they do no onsite vehicle maintenance or have any kind of fueling facility on site as well. He said these were staff's three conditions.

Chairman Smith asked for clarification regarding these vehicles having lights and sirens.

Mr. Frisina replied that the vehicles did have lights and sirens. He said this was because of the nature of some of the transports. He said if something happened to a patient in route, they would need to get to a facility quickly. He said also if they were transporting a patient from one hospital to another, at times that might require lights and sirens.

Commissioner Horgan asked if the vehicles were dispatching from their facility with lights and sirens going.

Mr. Frisina replied no they were not. He said these vehicles did not respond to 911 calls or emergency calls. He said the vehicle trips were pre-arranged trips and not emergency response.

Chairman Smith asked if there was anything included in this that would preclude these vehicles from lights and sirens in the O-I zoning district.

Mr. Frisina replied no, nothing at all.

Commissioner Frady asked Jack Krakeel if he had any concerns with this.

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Interim County Administrator Jack Krakeel replied no. He remarked that the State regulations that govern emergency ambulance and non-emergency ambulance transportation were pretty specific. He said they would not be allowed to operate a non-emergency transport service without lights and sirens simply due to the condition that Mr. Frisina noted and that was the possibility that a non-emergency patient had the need for a critical transport while in route from one facility to another. He said the State did require this as a pre-requisite of a licensing program. He said non-emergency transport providers were prohibited by State law from responding to emergency calls even if they receive an emergency call to their dispatch center. He said that emergency call would have to be transferred to the local 911 center for response. He said the vast majority of the transports that these type agencies provide was non-emergency in nature and include nursing home to hospital, dialysis transports, and routine patient transports for patients who are non-ambulatory and cannot go in a wheelchair van.

Chairman Smith expressed concern with the transitional areas and whether there were any negative consequences to lights and sirens in a transitional area where there were existing homes in an O-I zoning district such as the S.R. 54 corridor. He said there was a single-family dwelling located on S.R. 54 located next door to where this business would be locating.

Mr. Frisina replied that staff did not see this as a situation where the vehicles would be coming out of the facility with lights and sirens. He said it was more likely that if the vehicle did need the lights and sirens that would be something that would occur after picking up a patient in route that would occur.

Mr. Krakeel remarked that the use of lights and sirens from the point of their facility to another facility would in fact constitute an emergency call and they would be prohibited from taking emergency calls. He said, therefore there was no significant need or potential for use of lights and sirens from leaving the business location where the units would be stationed. He said the potential for lights and sirens would really occur during a transport phase of an individual between facilities. He said if for some reason the medical condition of a patient deteriorated and demanded a rapid transport to an emergency room, then they would have lights and sirens as well as radio communications which would also be required.

Chairman Smith asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he declared the public hearing closed. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to approve the Amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions;

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Article VI. District use requirements, Section 6-17. O-I, Office-Institutional District; and Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, D. Conditional Uses for Non-Emergency Medical Transport Service. The motion carried 5-0. A copy of Ordinance No. 2007-07, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

CONSIDERATION OF PROPOSED MILLAGE RATES FOR AD VALOREM TAXES FOR 2007:

Chief Financial Officer Mary Holland discussed the proposed millage rates for ad valorem taxes for 2007. She remarked that this was the first of three public meetings that would be held and tonight was just for information purposes. She said at the actual third and final Commissioners' public hearing on August 9th she would ask the Board for consideration in adopting the millage rates and signing a Resolution to make that official.

Mrs. Holland said she would like to review the rates themselves and the schedule showed a comparison of the proposal for 2007 versus the actual rates for 2006. She said in the unincorporated areas there was actually a decrease in the millage rate of 2.6. She said in the incorporated areas there was an increase of .544. She said there was a reduction in fire services of .906. She remarked for the emergency medical services district which was new this year that came in at .550, therefore there was no comparison from last year since it was a new district. She commented on what was driving the changes for this year. She said the first thing was the insurance premium tax. She said there were regulations from the State that the insurance premium tax proceeds that were given to a County must be used for certain services. She said those must be applied to fire services and if this was not done, there was a requirement to rollback the millage rate for that amount. She said that the 2006 actual for the incorporated and the unincorporated. She said the difference between the 5.692 and 4.880 was actually .804 which is the insurance premium rollback that was applied last year. She said this year this was actually being applied to fire services for which it was recommended.

Mrs. Holland said the second change was the establishment of a separate emergency services area that the Board had previously approved. She said that included all of the areas within Fayette County with the exception of Peachtree City. She said this change had an impact on the County's millage rate. She said in the 2006 digest the County actually had funding that was spread over all of the jurisdictions within Fayette County and the millage rate was .386 with the change in establishing the special tax district for EMS and after removal of Peachtree City from that area the millage rate was now .550. She said this was part of what was driving the increase for the unincorporated area. She said if Peachtree City had been included in this calculation with their digest of \$1.8 million the millage rate would have been .349 as compared to the .386 and therefore there would have been a reduction.

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Mrs. Holland the City of Peachtree City would actually see a decrease in their millage rate by .26. She said the City of Fayetteville would actually see a decrease in their M&O which was the same as Peachtree City, however they would be picking up the additional EMS tax district of .550 which would equate to the increase in their millage rate of .29. She said Brooks and Tyrone would pick up the M&O and the EMS district, however they were also provided fire services and with the combination of all of that they would actually see a decrease in their area of .616. She said this was because the millage rate for the fire district was able to be reduced because of using those insurance proceeds.

Mrs. Holland remarked on the unincorporated County. She said the big difference was the 4.88 for the M&O and this actually increased to the 5.432 because of the change in the insurance premium. She said EMS was added as well as fire services. She noted that when all of this was added together there was slight increase of .88 in the millage rate for these particular areas.

Mrs. Holland reviewed the five-year history for the rates of the unincorporated County. She said it had consistently been going down and included the rollback of reassessments but this year there was a slight increase in the M&O. She said this was really offset by the decrease in the fire fund because that went from 2.9 down to 2.0. She also reviewed the figures of the impact to the average taxpayer and compared these for 2006 and 2006. She said she used an average home value of \$200,000. She noted that the reassessed values this year actually averaged 3% and the adjusted fair market value went from \$200,000 to \$206,000. She said the taxes for a home owner in Peachtree City would actually decrease \$4.38. She said a \$200,000 house value in the City of Fayetteville would increase to \$206,000 and there would be a reduction in the M&O of \$4.38, however Fayetteville was part of the area that was being served by emergency services and they would be picking up the increase of \$42.57 with a net impact of \$38.19 for a resident in Fayetteville. She said in Brooks and Tyrone they actually had the same tax structure and there would be the M&O impact as well as the EMS impact. She said since the City of Fayetteville provided their own fire services but Brooks and Tyrone had fire services from the County and because of the reduction in the millage rate there they would have a savings of \$55.90. She said in total they would see a reduced bill of \$17.71. She said the last example was for the unincorporated residents. She said the M&O adjustment increased by \$49.48 and this was based on the insurance premium change. She said the EMS district also added in the \$42.57 and this all came to a net of \$36.17.

Ms. Holland said the Board would have the next two Commission meetings for consideration of the adoption of the millage rates and levying ad valorem taxes for 2007.

Chairman Smith said this was a public hearing and asked if anyone wished to speak in favor or in opposition to this issue. Hearing none, he declared the public hearing section closed.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on any issues of concern.

There was no public comment.

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

WATER COMMITTEE RECOMMENDATION: Approval of Water Committee recommendation to the Board of Commissioners not to change the current rules to include using float tubes in County owned lakes. A copy of the recommendation, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

WATER COMMITTEE RECOMMENDATION: Approval of Water Committee recommendation to the Board of Commissioners to use a professional service of the County's choice to conduct a creel survey at Lake Kedron and Lake Horton and a study of the aquatic growth in Lake Peachtree and make recommendations. A copy of the recommendation, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meetings held on June 6, 2007 and June 28, 2007.

DISCUSSION OF THE LOCAL STATE ROUTE ACCEPTANCE RESOLUTION FOR PROPOSED STATE HIGHWAY SYSTEM REVISIONS IN FAYETTE COUNTY AND THE CITY OF PEACHTREE CITY: STATE ROUTES 74, 1184, 1184TA, AND 1184TB; BY ORDER OF THE GDOT COMMISSIONER NO. 3477:

Chairman Smith remarked that this was a request by the State to allow them to designate two temporary State Routes 1184TA and 1184TB regarding the realignment of Rockaway Road on S.R. 74 South and the other one was the realignment of Padgett Road which would intersect with Highway 74. He said the State proposed for the County to sign an agreement allowing them to designate Padgett Road and Rockaway Road as temporary State Highways. He said they would then make the improvements to realign Rockaway Road with Holly Grove Church and make the improvements to realign Padgett Road with

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S.R. 74. He said at such time as those improvements were completed, the State would then abandon as State routes and they would be remanded to County maintenance and in the case of Rockaway Road part County and part City maintenance. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Maxwell, seconded by Commissioner Horgan to authorize the Chairman to execute the necessary documents regarding the State Highway System revisions in Fayette County and the City of Peachtree City for State Routes 74, 1184ta and 1184tb. The motion carried 5-0. A copy of the documents, identified as "Attachment No. 8", follows these minutes and are made an official part hereof.

BOARD REPORTS:

COMMISSIONER PFEIFER: Commissioner Pfeifer commented on the resignations of Dr. George Patton and Chuck Watkins from the Fayette County Water Committee. He said the Fayette County Water Committee was one of the best efforts that this community had ever put forth. He said they operated and established one of the finest if not the finest water systems in the State of Georgia. He said this committee had been disrupted as a result of decisions made by this Commission. He remarked first the County Administrator was removed, then the County Attorney and now as a result of these dismissals two of the longest serving and strongest advocates for Water System Dr. George Patton and Chuck Watkins who were the Chairman and Vice Chairman have both resigned from the Water Committee. He said the total service of these four individuals on the behalf of Fayette County was nearly 80 years. He said these years of service and the experience that was gained by these people could not be replaced by just finding four other people. He said the new people would not have any experience with public drinking water systems. He said it was his belief that if one simply presses ahead with new ideas without regarding reality and if one was not careful, there would be consequences that could not be anticipated or imagined.

COMMISSIONER PFEIFER: Commissioner Pfeifer questioned why the County was not advertising for the position of County Administrator. He said he had asked if any applications had been coming in for the County Attorney position and also questioned the advertising for the position of County Administrator. He said he was surprised to learn that the County was not advertising for a County Administrator because the Interim County Administrator Jack Krakeel was waiting for direction from the Board as to the position and what type of advertising would be necessary. He said he did not realize that this position was sitting open-ended but he felt the Board needed to press ahead and resolve this and get some applications coming in for that position.

COMMISSIONER FRADY: Commissioner Frady said he wanted to respond to Commissioner Pfeifer's first comment. He said he would like to congratulate the Director of the Fayette County Water System Tony Parrott for his thirty years of service to Fayette County and was confident that Mr. Parrott would continue to do a job well done in the future.

STAFF REPORTS:

ANNEXATION REQUESTS RECEIVED FROM THE TOWN OF BROOKS: Director of Community Development Pete Frisina discussed three annexation requests that the County had received from the Town of Brooks. He said the Board had a certain number of days to get back to the Town with some kind of indication as to whether or not the Board would object to these requests or not objecting.

Mr. Frisina remarked that the first annexation request was an annexation of 21 acres and was located on Woods Road which was adjacent to the City on the East side. He said it was zoned A-R in the County and would be zoned A-R in the Town of Brooks. He said the A-R zoning district was very similar to the County's A-R district. He said the intent of the Town was to develop two single-family dwelling lots. He said staff had no objection to this annexation request.

Mr. Frisina remarked on the second annexation request from the Town of Brooks. He said this was a large tract of approximately 100 acres located off of McIntosh Road and was owned by Dan Langford. He noted that there was a piece of property North of this property that touched McIntosh Road that was owned by the Langford family. He said this property was also located on the Eastern and Southern portion of the Town of Brooks. He said it was also located in the A-R zoning district and was an A-R transferral. He said there was no indication of any type of development proposed for the property and staff had no objection to this annexation.

Mr. Frisina remarked on the third annexation request from the Town. He remarked that this was a tract of land consisting of approximately 55 acres located on Price Road. He said this property was located on the Western side of the Town of Brooks. He said the intent was to develop four single-family dwelling lots as indicated to the County by the Mayor of Brooks. He said this piece of property had a preliminary plat approved in Fayette County and the developer had tried to develop it but had some issues with crossing the railroad. He said staff had no objection to this annexation.

Commissioner Frady asked if the Board could address all three of these annexation requests at one time or did it have to discuss each one separately.

Mr. Frisina responded that the Board could address all three at once if it so desired.

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On motion made by Commissioner Frady, seconded by Commissioner Horgan to authorize the Chairman to send a letter to the Town of Brooks stating that Fayette County Board of Commissioners had no objection to the three annexation requests that were received from the Town, discussion followed.

Commissioner Pfeifer interjected that the Board had received an e-mail stating that the Board must act on this request as soon as possible because of the time clock for response to annexation requests. He said thankfully next month new State Legislation would take effect that would give the Board at least thirty days to respond to annexation requests.

Chairman Smith called for the vote.

The motion carried 5-0. A copy of the letter, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: Chairman Smith requested an Executive Session to discuss one personnel matter.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to adjourn to Executive Session to discuss one personnel matter. The motion carried 5-0.

PERSONNEL: The Board discussed one personnel matter.

Chairman Smith reconvened the meeting back to open session.

The Board took no action on the personnel matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Frady, seconded by Commissioner Horgan to authorize the Chairman to execute the Executive Session Affidavit affirming that one personnel matter was discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to adjourn the meeting at 8:55 p.m.

Karen Morley, Chief Deputy Clerk

Jack R. Smith, Chairman

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The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of August, 2007.

Karen Morley, Chief Deputy Clerk