

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, December 4, 2002, at 3:30 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
 Linda Wells, Vice Chair
 Herb Frady
 Peter Pfeifer
 A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
 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.

COUNTY EXCHANGE OF PROPERTY WITH STEVEN ALLGOOD APPROVED:

Chairman Dunn remarked that this item was tabled from the November 14, 2002 Commission meeting.

Attorney McNally remarked that the county had acquired property for a park in the northern part of the county off of S.R. 279. He said Steven Allgood, a resident of the county, had acquired property off S.R. 279. He said Mr. Allgood had offered the county to swap the property which would allow for a connection to existing county property on both sides of his property. He said this would give the county a very large access into the park. He said Mr. Allgood owned his home on Kenwood Road and would like to exchange a piece of property he owned for another piece of greater value. He remarked that the State law required that the county receive property of a greater value than property that the county would be giving. He said this met that qualification according to appraisals. He asked for the Board's consideration in this matter.

Commissioner Frady said this would give the county a larger piece of property as the entrance to this park located off S.R. 279. He said at the current time, the entrance was a very small piece of property. He said this would greatly enhance the entrance to the park.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve the exchange of county property with Steven Allgood. The motion carried 3-2 with Chairman Dunn and Commissioner Pfeifer voting in opposition.

CONSIDERATION OF FAYETTEVILLE'S REQUEST BY GREATER ATLANTA CONSTRUCTION COMPANY TO ANNEX 39.99 ACRES NEAR THE INTERSECTION OF REDWINE AND PRICE ROADS:

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Director of Zoning Kathy Zeitler remarked that in July, 2002 staff had reviewed a request to annex part of this property. She said that request was for a townhouse development and the density had been objected to. She said now they had come back and requested an additional 22.56 acres to the south which was zoned A-R. She said the previous development was going to be on a 17.32 acres. She said this was a total of 39.88 acres and they were requesting zoning for 35 single-family lots of approximately one acre along with the P.U.D. zoning. She said staff had reviewed this request and suggested that the developer might do some road improvements to nearby intersections as a condition of zoning approval. She said the City might want to consider that. She said although the county would lose some fees there was no bona fide land use objection to this request.

Chairman Dunn interjected that the reason for that was if this was developed in the county they could develop one acre lots anyway.

Ms. Zeitler remarked that the A-R portion had the potential for R-40. She said they could do similar development in the county with one acre lots.

Chairman Dunn asked Ms. Zeitler if she had spoken with the development corporation and Ms. Zeitler replied no, she had not.

Chairman Dunn asked why they were asking for annexation since they could do the same in either place.

Ms. Zeitler replied that she did not know but perhaps it was to be on sewer.

Commissioner Frady asked if part of the property zoned A-R.

Ms. Zeitler replied yes. She said the piece that they had just added was zoned A-R and the other was R-40. She said the Land Use Plan called for one to two acre lots in that area.

Chairman Dunn said the only decision that the Board needed to make today was whether or not the Board had a legitimate objection in accordance with the agreements. He said the only legitimate objection was whether or not there was a land use issue. He said he preferred that this land owner remained in the county to develop the property. He said he did not know of any objection since the land use remained about the same.

Chairman Dunn said there had been some suggestions made by the staff. He felt these could be included in the letter to the City.

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On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to send a letter to the City stating that the County had no objection to this request but would like to include the staff's suggested conditions to this request, discussion followed.

Commissioner VanLandingham said he had spoken with one of the property owners last night. He said this was not a finished project yet. He stated the property owner still owned his property and he had not reached an agreement with the development company. He said this might not be as large a project. He said this would have no bearing on the county's decision but he thought it was something that the Board might need to consider. He said with the recommendation from Planning and Zoning Department regarding the road improvements, he felt that would be something to make a note of. He said he had no objections to this request.

Chairman Dunn said the landowner might have this contingent upon annexation and development of the entire piece of property.

Commissioner VanLandingham interjected that the landowner would not rezone the property if this particular property was not included in the deal.

The motion carried 5-0.

CONSIDERATION OF TYRONE'S REQUEST BY JOHN WIELAND HOMES TO ANNEX 97.79 ACRES OFF COASTLINE ROAD FOR A SINGLE-FAMILY DEVELOPMENT (CR-2):

Director of Zoning Kathy Zeitler remarked that John Wieland Homes was proposing to annex a total of 97.79 acres for development as two acre lots. She said most of the proposed subdivision was already located within the Town of Tyrone and access was from S.R. 74 and Sandy Creek Road. She said the property to be annexed was removed from access from county roads. She said it also abutted up to Whitewater Creek which was a natural boundary. She said they wanted to incorporate it into the proposed subdivision. She said staff had reviewed this and did not have any bona fide land use objection. She stated that the property was currently zoned R-70 in the county which allowed for the two acre minimum lot size. She said the lots would be served by septic tanks. She said staff did not have any objections to the proposed land use.

Chairman Dunn remarked that the reason for this action appeared to be that the landowner wanted to have his entire piece of property in one jurisdiction or the other.

Ms. Zeitler replied yes that was correct. She said it was also because this property was not readily accessible. She said from Coastline Road a bridge would have to be built over Whitewater Creek to get to it.

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On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to send a letter to the Town of Tyrone that the county has no objection to this request and ask Tyrone to consider imposing watershed protection standards for Whitewater Creek that were equal to the county's standards, discussion followed.

Commissioner Frady felt it was without saying that the Board would rather this property stay in the county but the judgment here was whether or not the Board could object to it for reasons in the Agreement that the county signed.

Chairman Dunn said the staff had a recommendation in reference to protecting Whitewater Creek. He said this would be something extra that the Town of Tyrone would have to do to do something extra in order to do that.

Ms. Zeitler remarked that Tyrone's watershed protection ordinance appeared to be the State's minimum requirements. She said the county's watershed protection ordinance would be a little more restrictive. She said Tyrone's ordinance did not even address the Whitewater Creek watershed. She said staff had suggested that they follow the county's watershed protection.

Chairman Dunn reiterated that the county could send Tyrone a letter with no objection but asked them to consider additional protections on Whitewater Creek.

Commissioner Pfeifer said he wanted to make a comment. He said because of the nature of the agreement that the county has, these requests have to be acted on quickly. He said he just wanted to compliment Ms. Zeitler and staff for working on these over the holiday.

The motion carried 5-0.

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

MCCURRY PARK - METRO ASPHALT PAVING COMPANY TO DO ADDITIONAL PAVING: Approval of payment to Metro Asphalt Paving Company in the amount of \$17,710 for additional paving at McCurry Park. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

RESOLUTION ADOPTED FOR AMENDMENT TO THE COUNTY'S 457 PLAN REGARDING DEFERRED COMPENSATION: Approval of Resolution adopting the Federal Government's Amendment to the County's 457 Plan regarding Deferred Compensation. A copy of the Resolution, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

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SONS OF CONFEDERATE VETERANS - SIGN REQUEST: Approval of request from the Sons of Confederate Veterans to place a sign on the old courthouse lawn from April 18 through April 26, 2003 to advertise Confederate Memorial Day. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

SOUTHERN CRESCENT CHORALE - SIGN REQUEST: Approval of request from the Southern Crescent Chorale requesting to place a sign on the old courthouse lawn from December 9 through December 15, 2002 to advertise the Southern Crescent Chorale to be held on December 15, 2002 at 3:00 p.m. at the McDonough Road Baptist Church. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

KIWANIS AND BROOKS PARKS - ATLANTA ENVIRONMENTS, INC. AWARDED BID FOR GRASS CUTTING: Approval of recommendation by the Director of Purchasing Tim Jones to award bid to low bidder Atlanta Environments, Inc. in the amount of \$40,000 as the total bid price for each season for grass cutting at Kiwanis and Brooks Parks. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

KIWANIS CLUB - SIGN REQUEST: Approval of request from the Kiwanis Club to place a sign on the old courthouse lawn on December 16th through December 22, 2002 to advertise the Kiwanis Club's gun show to be held on December 21st and December 22, 2002 at the Kiwanis Exhibition Hall at the fairgrounds. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

BOARD OF EDUCATION - REQUEST TO PAVE BUS SHOP AREA: Approval of request from the Board of Education to pave the parking lot at their bus shop area. A copy of the memorandum, 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 November 6, 2002 and November 14, 2002 and Bid Opening held on December 3, 2002.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

There was no public comment.

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STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss five legal matters and one item of real estate acquisition.

COUNTY OFFICES TO BE CLOSED DECEMBER 23, 2002: Commissioner VanLandingham asked for the Board's consideration in closing county offices on Monday, December 23, 2002.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve the closing of county offices on Monday, December 23, 2002. The motion carried 5-0.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss five legal matters and one item of real estate acquisition. The motion carried 5-0.

REAL ESTATE: Attorney McNally advised the Board on a real estate matter.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize County Attorney McNally to proceed in this matter. The motion carried 5-0.

LEGAL: Attorney McNally advised the Board on a legal matter.

It was the consensus of the Board for County Attorney McNally to proceed in this matter.

LEGAL: Attorney McNally updated the Board on a legal matter.

The Board took no action on this matter.

LEGAL: Attorney McNally advised the Board on a legal matter.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize the County Administrator to proceed in this matter. The motion carried 5-0.

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

The Board took no action on this matter.

LEGAL: Attorney McNally updated the Board on a legal matter.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize the County Attorney McNally to proceed in this matter. The motion carried 4-1 with Commissioner VanLandingham voting in opposition.

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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 five legal matters and one item of real estate were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 8", 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 5:05 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 12th day of December, 2002.

Karen Morley, Chief Deputy Clerk