

The Board of Commissioners of Fayette County, Georgia met in Official Session on May 23, 2002, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

STAFF MEMBERS PRESENT:   Carol Chandler, Executive Assistant  
                                  William R. McNally, County Attorney  
                                  Dennis Davenport, Assistant County Attorney  
                                  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 three 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.

**May 23, 2002**

**Page 2**

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. 1090-02:**

Zoning Director Kathy Zeitler read Petition No. 1090-02, New Market Properties, Inc., Owner, Brundage Engineering, Inc. Agent, request to rezone 26.42 acres from R-70 to C-S to develop a single-family residential conservation subdivision consisting of approximately 12 lots. She said this property was located in Land Lot 54 of the 7<sup>th</sup> District and fronts on Adams Road. She stated the Planning Commission recommended denial 3-2. Staff recommended approval with conditions.

Becky Morris remarked that Billy Brundage was unable to attend the meeting tonight and she would be representing Brundage Engineering, Inc. She said this was a 26-acre tract of land. She remarked that New Market Properties had already planned to develop this property into twelve lots under the current zoning of R-70. She stated they had gone through the process to get a preliminary plat approved. She said the preliminary plat was for a one single subdivision street and remarked that the property was long and narrow. She stated after the plat was approved they had discovered the conservation zoning and they thought it might be nice to develop instead of twelve two-acre lots to develop twelve one-acre lots. She said that would leave approximately 11.2 acre area that would be owned by the homeowners' association and used by the owners of the lots. She said a soft path and picnic tables would be in this area. She noted that no hard scape was planned on the 11.2 acre park at this time. She stated the homeowners' association would have the option of continuing the paths or put in a tot lot or something else in that area.

Ms. Morris further remarked that the benefit of having the conservation zoning would be rather than having twelve two-acre lot subdivision where there could be more development, open up more of the woodlands, have more sodded lawns and more runoff and all of those things that come with development. She said there would be the park area and some of the nicer trees were located on the back portion of the tract. She noted that the front portion had more pine trees and under growth. She said the detention pond would end up being smaller because there would be less developed land instead of twenty-four larger lots there would be twelve lots. She said to have more trees would help filter the air and would help soften the rain when it falls to the ground and there would be a lot less runoff. She said the nature of the development would be simpler in that there would be five lots down one side, a couple of lots on the cul-de-sac and five lots up the other side and this would be for a one acre tract subdivision or a two-acre tract subdivision. She said the lots would just be more spread out on the two-acre zoning. She said she would be glad to answer any questions the Board might have.

**May 23, 2002**

**Page 3**

Chairman Dunn asked if anyone wished to speak in favor of the petition. Hearing none, he asked for those individuals present in the audience who were opposed to the rezoning request. He announced that 35 people stood up to show opposition to the rezoning. He asked for those who wanted to speak to come forward one at a time.

Peter Spanos, 367 Adams Road, Fayetteville said he and his wife live in close proximity to the subject property. He said they had moved here from Gwinnett County to enjoy the green space and openness of the Adams Road neighborhood as did many of his neighbors. He said the whole neighborhood was present tonight to show unified opposition to the proposal. He stated that no one was disputing that the developer had the right and did have an approved plan to develop two acre lots. He said this, however, was a completely inappropriate brand-new test tube and ill-considered application of the conservation subdivision principle. He stated he understood the conservation subdivision principle originated with a mandate from the State of Georgia to set aside green space. He said this was clearly directed at counties where lots were already small and where green space needed to be set aside by some means necessary. He pointed out that there was no lack of green space on Adams Road and the surrounding roads. He said there was plenty of green space there. He said there was a preponderance of five acres and even larger lots up to twenty-four and twenty-five acres and very few negligible if any two acre lots. He said the area was subject to five acre minimums until very recently when it was block rezoned. He noted that nothing had happened as a result of that rezoning. He said on top of that rezoning that had not yet taken effect the developer wished to introduce a brand-new kind of neighborhood. He said this would be a neighborhood that did not exist anywhere in close proximity to Adams Road. He said the so-called conservation area would be nothing more than the continuation of some messy woods at the back portion of the property that no one could see. He said it would have no viable public use other than what the land already had. He said the congestion and crowding and the kind of homes that would be built on one acre as opposed to two acre or larger lots clearly represented a change to the neighborhood.

Mr. Spanos remarked that at the Planning Commission meeting these same issues came up. He said the Planning Commission voted against this rezoning with a 3-2 vote. He said even this vote did not reflect any of the opposition and qualms about this. He said there was not a single member of the Planning Commission that unreservedly liked this idea. He said some felt that they were somewhat compelled to do things and others recognized the strong opposition. He said there was no application of the conservation subdivision yet and this was not an appropriate test case. He said during the Planning Commission meeting every single person who spoke talked about the reservations they had about this proposal in this circumstance. He said he would like to submit to the Commission this evening was that this was a wrong test case for the conservation subdivision. He remarked that denying this request would do no hardship to the builder because the builder had approved plans for two acre lots as is. He said this proposal was an after thought to save money on the developer's part. He said it was not a considered plan for the use of the Adams Road neighborhood

**May 23, 2002**

**Page 4**

which was what the neighborhood strongly urged the Commission to do. He said it would represent a major change in the character of the neighborhood. He said all of the surrounding property was five acres or larger lots. He said this request was inappropriate. He strongly urged the Commission to permit the developer to only go forward with his original plan in the interest of protecting this neighborhood.

Larry Lake, 383 Adams Road, Fayetteville said he and his wife had lived fifteen years at this address. He remarked on the point that Mr. Spanos had made regarding the green space. He said there was already a lot of green space on Adams Road. He said if this was an area where there were a lot of developments where there was a need for more green space he would be the first one to see this happen. He said this was not the case at all on Adams Road. He said this rezoning would change the integrity and the character of Adams Road. He felt there were some areas around the county that would benefit from this green space and the residents would probably welcome it but this was not the case on Adams Road. He said he had letters from other Adams Road homeowners who could not be present tonight that he would like to present to the Board. A copy of the letters, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. He said he strongly opposed the rezoning in this case. He said the developer did have the right to develop these lots in two acre increments. He felt the proposal was one to save money and economically he understood it but that was as far as it goes. He said this was strictly an economic benefit to the developer. He said he hoped the voice of the citizens would not go unheard over that of one developer seeking a small profit on twelve lots. He said it just was not worth it.

Chairman Dunn clarified that Mr. Lake's property was directly South of this property and was the most affected person.

Mr. Lake replied yes he was. He said he realized that the homes would be built next to him and that was fine but he did not want to see the integrity of everything on Adams Road go to one acre tracts in any way shape or form.

James Goswell, 371 Adams Road, Fayetteville said he and his wife were very opposed to this rezoning request. He said his property backed right up to where the developer was planning on building these homes. He said he would much rather see two acre lots there. He said the last thing he wanted to do every morning was to get up and go out on his deck and see somebody walking through woods. He felt this rezoning request was just ludicrous.

Chairman Dunn asked Mr. Goswell if he had seen both plats and Mr. Goswell replied yes.

Chairman Dunn asked Mr. Goswell if he was aware of the fact that there would be less homes touching his property if the development was done this way instead of having two acre lots.

**May 23, 2002**

**Page 5**

Mr. Goswell replied that he was aware of that. He said he felt one acre lots would depreciate the value of everyone's home.

William McNew, 369 Adams Road, Fayetteville said his property was also contiguous to the proposed development. He said if the property was rezoned in the way it was being requested he would have no houses behind his property. He said he was still opposed to this request. He felt in the interest of the entire neighborhood and the character of the entire road that changing from two acre lots to one acre lots was an absolute mistake. He said he had recently just built a new house across the road and was moving his parents down to the 369 Adams Road address. He said his wife's parents had moved down to Adams Road. He said they had all moved there because of the way the property was on Adams Road. He said he did not see any reason at all why this should be changed.

Maureen Tompkins, 125 Creekwood Lane, Fayetteville said her property was located directly North of the property in question. She said she agreed with all of her neighbors that one acre lots as opposed to two acre lots would depreciate the other property. She said she was also concerned from an environmental point of view. She said the county was currently in a drought situation. She said there would be twelve wells in a smaller area that would be tapping into that water table. She pointed out that currently the creek that runs through there was only wet when it had been raining. She said all of this drains down to the lake located at the end of Creekwood Lane. She said it was her concern that there would be twelve more wells in this small area that would be tapping into the same water table. She felt her well might go dry. She said the slope of the property would also have to be taken into consideration. She said there would be twelve septic systems in a small area and there would be a lot of leachment coming into a smaller area that would drain down the slope into the creek. She said when she had lived in New Hampshire she had worked for the Department of Health. She stated that she was familiar with percolation, leach systems and wells. She said her main concern about having a cluster of homes on a smaller parcel of land where there was not the proper space for septic systems or wells.

Commissioner Wells pointed out for clarification that there would be county water run out there and the proposed homes would not be drawing off the wells.

Ms. Tompkins asked if there would be sewer.

Commissioner Wells replied there would be septic tanks but no wells.

Randy Stastny, 130 Creekwood Lane, Fayetteville remarked his subdivision was located just North of the proposed subdivision. He said he and his wife had moved down here approximately two years ago. He said they had picked this area because of the low density housing in this area. He said they had moved from Cobb County. He said at the time he worked at Delta Airlines and it was very convenient. He pointed out that now he worked in Alpharetta but he would still prefer to live down here because of the low density housing. He

**May 23, 2002**

**Page 6**

said that was the only reason they had built a home here. He said his builder had told him that he was paying a premium for the lot and he accepted that. He said he also ended up paying a premium for the building of the house because of the remoteness of it. He said it was worth it to have the tranquility that they have there. He said they are deeply concerned about the possibility of a substantial reduction in their property values with one acre lots being so near their home. He said his home was situated on four acres and it had not been necessary to clear-cut four acres in order to build the home. He said it was not even necessary to clear-cut one acre to build his home. He said he believed that there could not be too much green space. He said he liked green space a lot. He said he liked his privacy and being able to walk out in the yard and feel like he was very close to nature. He said he hoped other people felt the same way and he was sure all of his neighbors felt that way.

Stephanie Free, 710 Adams Road, Fayetteville remarked that she lived on the other end of Adams Road and was not directly affected by this subdivision. She said there were many five acre lots there. She said she had just purchased six more acres directly behind her. She said she understood what the conservation act was trying to do but she felt the residents on Adams Road were doing their part by keeping five acre lots and not building anyone acre lots. She felt this proposal would work well in an area that already had two acre lots as opposed to coming into the Adams Road area with five acre lots. She said she did not want to see the smaller houses that would be built in a one acre lot subdivision. She said she realized that there would not be more population or traffic on the road but she wanted the area to remain five acres. She said the residents on Adams had done their part to keep the greenery on Adams Road. She felt the Adams Road neighborhood was not the area to have this type of zoning. She said just because she and her neighbors were located at the other end of Adams Road they did feel the same way as the residents close to the proposed rezoning.

Chairman Dunn clarified that a five-acre lot could have a smaller house than a one acre lot.

Ms. Free said she understood that but felt the developer would build starter homes on the one acre tracts.

Glenn Dunn, 422 Adams Road, Fayetteville said he and his wife had owned property on Adams Road for the last twenty-four years. He said it was his understanding that this was the same developer who had requested the zoning for two acre lots. He said if the developer was so concerned about having a lot of trees and leaving things natural, why did they not request a zoning for five acre lots. He said five acre tracts would be more in keeping with the neighborhood. He said to have county water there would address the well issue but asked if this would address the septic tank issue. He said it was also his understanding that his tax bill was based in part on the value of the house and the value of the land. He asked if the county would get any tax revenue from it if the land was put into conservation. He said if the development was on two acre lots the county would be getting tax revenue from the land being

**May 23, 2002**

**Page 7**

put under conservation. He said he liked the larger lot size. He said he and his wife had struggled for five years to pay off their land because they were told that five acres would be the lot size on Adams Road. He said they had done without a lot of things for five years so that they could fit in with the lifestyle that they had chosen to adopt.

Chairman Dunn said Becky Morris would now have time for rebuttal.

Ms. Morris remarked that the house size in R-70 would be 1,500 square feet and in this zoning it would be 2,100 square feet. She said this would add value to the home.

Chairman Dunn said their original plat which was R-70 it was not their intent to build 1,500 square foot homes.

Ms. Morris replied that it probably was not.

Ms. Morris remarked that because of the amenity of the park area she felt these lots at one acre would go for a higher price. She said adding the park would add an amenity and would be a selling feature for the subdivision. She felt these would be nice homes on nice lots. She said they would be priced probably the same as the two-acre lot would have been. She said the developer would still have to make up for the cost of the land. She said the developer had purchased the twenty-six acres and they would have to add acreage because of the amenity.

Chairman Dunn said he would like to read into the record a letter from Leonard Neal who could not attend tonight's meeting and lived directly East of the property. A copy of Mr. Neal's letter, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

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

Commissioner VanLandingham remarked that this zoning classification was new. He said it was prompted by the State that green space could be set aside. He said it was sad to say that past zonings did not count. He said it only pertained to present and future zonings. He said he would like to address the concerns expressed at the Planning Commission meeting. He remarked that one concern was that this had been done on the motivation of money. He said he would like to make it very clear that he had never and no member of this Board had ever considered a rezoning solely on the basis of monetary gain by a developer. He said one person was appalled that the Commission would listen to this request. He said the Board of Commissioners have to listen to all of these requests and they have to go through the process. He said no matter where this request was placed for CS zoning it would end to something contrary to something that was already there. He commented on the monetary gain by the developer. He said the developer would run 2,200 feet of water line and giving up 11.2 acres

**May 23, 2002**

**Page 8**

that could be sold. He said he did not know if the developer would lose money or make money. He said the developer was also giving up some things. He said only two homes would be seen from Adams Road. He said this was an indication to him that the view on Adams Road would be altered all that much. He said the amount of traffic would not increase. He said there would be twelve houses whether they were on one acre or two acre lots. He said there was one concern that he had and that was that the subdivision would be sitting on a recharge area. He remarked that this was very critical. He felt the Board needed to guard those areas in Fayette County. He said one acre lots on those areas was not a very good idea. He said with the type of soil that was there and everything touching the property being R-70, he could not support this request on that basis.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to deny Petition No. 1090-02, discussion followed.

Commissioner Wells said she knew that county water would be run to this subdivision but questioned if water would be run to other residents on Adams Road.

Director of the Water System Tony Parrott said he did not know.

Commissioner Wells felt she could assume the answer would be no since Mr. Parrott had not been apprised of this fact.

Mr. Parrott said water would only be run to the subdivision.

Commissioner Wells said her major concern was that this was located in the ground water recharge area. She said there were already residents out there who were on wells. She said when septic systems were put on one acre lots, more and more failures were being encountered. She said she would like to have as much room as possible and the two acres made her feel more comfortable. She said the current residents in the recharge area were drawing water out of the wells and would be for a while longer. She said the size of the lots would leave less room to place septic tanks. She said she would have to support the denial of this rezoning request. She said there was no mandate from the Governor's Office that green space be set aside. She said it was only a recommendation. She said the recommendation was placed with a "carrot" dangling before the Board that it could get money if this was done. She said if the county failed to set aside 20% or if the State had figured 25,413 acres of green space then the county would not get all of the money that had been offered by the State to the county. She said she did not want any members of the public or the press to assume that Fayette County was snubbing its nose at this offer from the Governor. She said Fayette County was currently setting aside a lot of green space and was mitigating land for the new reservoir that was planning on being built. She said the county was also encouraging people to set aside green space in other areas. She said she agreed with the Planning Commission in their review. She said none of the Planning Commission members



**May 23, 2002**

**Page 9**

were opposed to the concept. She said everyone wanted to limit the amount of groundwater runoff that had chemicals and oil in it. She said this was not healthy for our children or the earth. She said this was not the place for this as far as she was concerned. She stated that this was a long lot and it was right in the heart of an R-70 where there could be two acre minimums. She said a lot of the other surrounding area was just not supportive of that at this present time. She said there was a large section of R-70 over there that was just waiting for someone to come along and it would be a domino effect. She said she could support this type of zoning but not in this particular place.

Commissioner Pfeifer said he would like to speak in opposition to the motion and in favor of the request. He said he had observed this property very carefully. He said he had received a great volume of letters on this rezoning request and had read every single one. He remarked that the concerns that had been expressed had been put to rest tonight. He said the people there did understand that this request would not double the number of houses on the property or doubling traffic, or children. He said it was his feeling that as you pass this subdivision one would see a street and a house on each corner. He felt the impact on the area would be very neutral. He said if this property ran parallel to Adams Road and there was a series of one acre lots fronting on the road, that definitely would impact the area and he would certainly not support that. He said there had been some discussion earlier about understanding of the three property owners who directly adjoin the property. He said as was observed by Mr. McNew, his impact would go from 100% of his property line to zero. He stated the Goswell's goes from 100% of their property line down to about 30% and the Lake's stays at about 100%. He said when he looks at this he sees no impact or positive impact. He said he would support the conservation area because of the nature of the area and the fact that there was less land disturbance both in a road and in longer driveways in the two-acre layout. He said for that reason, he would vote in opposition to the motion.

Chairman Dunn remarked that the Board was not required to do this by the State as Commissioner Wells had stated. He said as the county has developed, there had never been a Board more concerned about keeping the property in this county the way that it was to the best extent possible. He said this Board wanted to develop the least property and still respect property owners' rights. He said one of the ways you could sometimes help an area would be to do a conservation subdivision. He said for example if this were a 300-acre piece of property and it was zoned two acre houses then 150 houses could be built on all of this acreage. He said with this kind of a subdivision, all 150 houses could be built on half of the acreage on one acre lots and keep 150 acres open for green space and a park in an area that would otherwise be developed. He said there would be infra structure, impervious surface, trees cut down and roads put in. He said he had heard people say that they would be in favor of this somewhere else but not next to them. He said he understood that too. He said he also wanted everyone to know that there were a lot of zoning actions right now that people were considering in the R-70 zoned area of the county. He said one would have to say if it was better to have a house on every two acres or was it better to keep half of those acres

green forever. He said there were pros and cons on both sides of this. He said he tended to agree with Commissioner Pfeifer because he had seen the opposite happen many times in this county. He pointed out that Whitewater Creek was a one acre subdivision. He said it was beautiful and the homes were enormous and very valuable. He said he did not believe that there was anything anywhere that would indicate that one acre lots would diminish the value of the homes that were already on Adams Road. He said he did respect the fact that the residents did not want this subdivision built there. He said he would rather see nothing be built there. He said when he looked at the entire portion of the county that was being discussed, one day this county was going to have either a house on every two acres or something else would be done. He said the something else that could be done would be to keep large tracts of land undeveloped. He said the fact was that all of the people present tonight could come back to the Board and develop their land too. He said everybody who owned tracts of land on Adams Road could do two acre lots. He said the fact was that many people were going to and they were going to do it quite soon. He said he was not saying that it was all on Adams Road but the entire portion of the county. He said he could not support the motion.

Commissioner Frady remarked that he was in favor of the C-S zoning. He felt there were plenty of places that these zonings could be placed. He said he also believed in maintaining the integrity of certain areas of the county. He said he would like to see these started in more open spaces where there was not as much density as there was on Adams Road. He felt it would be better in another area rather than in an area that was already mostly built out. He said most every lot on Adams Road and Ellison Road were two acre lots. He remarked that he would rather see these put in an area that would not be adverse to what was there already. He said he was going to vote to deny the zoning. He said he would be in favor of the motion.

Chairman Dunn said this was a difficult concept and new one. He said this Board had the same problems that the Planning Commission had during its discussions.

The motion carried 3-2 with Chairman Dunn and Commissioner Pfeifer voting in opposition. A copy of the Resolution and Ordinance denying Petition No. 1090-02, identified as "Attachment No. 3", follows these minutes and are made an official part hereof.

**ORDINANCE NO. 2002-04, ORDINANCE NO. 2002-05, ORDINANCE NO. 2002-06 AND ORDINANCE NO. 2002-07 RELATING TO A DECLARED STATE OF EMERGENCY**

**APPROVED:** Chief Jack Krakeel remarked that over the course of the past year his department had put together some ordinances that were felt appropriate for consideration by the Board. He said specifically these ordinances would have an effect during a declared state of emergencies. He said staff had looked at disasters both natural and man made that had occurred in other communities. He said they had tried to address those issues that become problematic during those times in order to provide the Board with a set of ordinances that were believed to be appropriate. He said when the county was confronted with a disaster situation or was in that type of environment that the county would not have to back track and try and develop this, debate these issues and have lengthy discussions about them during a

**May 23, 2002**

**Page 11**

period in which it was essential for the county to conduct activities to mitigate the situation. He said he would be glad to answer any questions that the Board might have. He remarked that the specific ordinances would relate to the imposition of a curfew should that become necessary. He said there was an ordinance that would prohibit the over charging for goods and materials such as building supplies. He stated there was a requirement for the registration of building and repair services when there was significant and gross damage to properties. He said the final ordinance related to the authorization that would allow for suspension of portions of the code of ordinances. He commented on a situation that occurred several years ago regarding a residential fire. He said the property owner had approached the Board about waiving certain regulations and requirements pertaining to the reconstruction phase of their residence. He recalled the Board was able to accomplish that. He said one could only imagine that scenario a hundred fold or greater. He stated this particular ordinance would deal with that authorization. He said he would be glad to answer any questions relating to these issues.

Commissioner Wells said she assumed that Attorney McNally had reviewed these and they were in accordance with the county's ordinances.

Chief Krakeel replied yes that he had discussed this with Attorney McNally.

Commissioner Wells called attention to page 2 where it related to section 1 number 1. She said it said such meetings could be called by the presiding officer or any two members of the governing body. She asked why the number was only two. She said she would feel more comfortable if it were three members. She asked if it was because he was anticipating in a worse case scenario that three Board members might be incapacitated or not available.

Chief Krakeel replied yes that was correct.

Commissioner Wells remarked that in a state of emergency sometimes things happen and she said she would feel more comfortable with three members.

Chief Krakeel replied that he had no objections to that issue.

Chairman Dunn said he had previous experience with this several times during his past career. He said at Homestead, Florida there was only one member of the governing body who had not left town. He said everyone was looking for their families including the Board members. He said things do happen when there might be a situation that no one could imagine until it happens.

Commissioner Wells said she did not want it to be a situation where General Hague thought he was in charge and starting making decisions. She said she would feel much better if the Board erred on the side of being cautious. She said she was not speaking only for this Board

**May 23, 2002**

**Page 12**

but there might be a Board down the road that had some people who assumed like General Hague who feel they were in command.

Commissioner VanLandingham said if he was the only Board member that Chief Krakeel could find and the other members were out of town, then it would be handled.

Commissioner Wells said this related to calling meetings and making decisions.

Commissioner VanLandingham remarked it pertained to calling a meeting to enforce this ordinance.

Chief Krakeel said it would require two members of the Board of Commissioners according to the ordinances as they were written to, i.e., enforce an ordinance.

Commissioner Pfeifer asked what would happen if the Governor declared an emergency and Fayette County did not.

Chief Krakeel responded that normally there would be a declaration made at the local level by the governing body and a subsequent request for a declaration made to the Governor by the local governing body in order for their to be a Governor declared declaration. He said that would even be carried further when the Governor requests a Presidential declaration for the affected communities. He said this was the general process for declarations of disasters or state of emergencies in the community. He felt it would be possible for a Governor to declare a state of emergency if the county was confronted with a utility disruption type of situation such as a black out or brown out event there might be a declaration made at the State level that might impact local communities. He said this would not necessarily be generated at the local level and transmitted to the State level and then the Federal level. He said a possible drought emergency could be declared.

Commissioner Pfeifer said he was thinking more in terms of a terrorist attack in a county adjacent to Fayette County. He said the Governor might declare a state of emergency in order to deal with that. He asked if that would automatically trigger all of these and Chief Krakeel replied no.

Chief Krakeel said one of the issues that his department was continually working on that he felt might help to clarify some of the issues that the Board has concerns about. He said they were working on a continuity of government ordinance for the Board so that there was a clear delineated process should any members of the Board of Commissioners become incapacitated and unavailable. He said this ordinance would make sure that there was a hierarchical process in place to make sure that there was a continuity of government in Fayette County. He said they were working on this as well. He said he hoped to have this ready for the Board in approximately one month.

**May 23, 2002**

**Page 13**

Chief Krakeel remarked that the government would continue to function and decisions would continue to be made to protect the health, welfare and public safety of the citizens. He said his department was trying to make the process easier for the Board with respect to these particular ordinances and these particular issues so that this type of language would not have to be developed on short notice and having to put it in place. He said it would only be functioning under a declared state of emergency which would require the Board's authorization.

Attorney McNally interjected that the State of Georgia was very fortunate in that citizens here do not normally face some of the natural disasters that other parts of the country do. He said there were things that could occur to the State that he would not even want to think about. He said there could be action from an enemy of the United States. He said he hoped no one would ever see a time when these ordinances would ever have to be used. He said staff was trying to put something in place that in the event something catastrophic happened that the county would be prepared to go forward in government. He said this was the reason to have two Board members available because the anticipation was that the entire Board would not be available. He said this might not be a natural disaster. He remarked that the only time this would come into effect would be when there was a state of emergency declared by the proper State officials. He said that would then trigger whatever the Board might want to do in addition to that. He encouraged the Board to look very strongly at this.

Chairman Dunn remarked that the maximum period of time that the Board could waive certain things would be six months.

Chief Krakeel replied yes that was correct unless at the end of the six months period of time the Board elected to extend the time frame. He said this would have to come back before the Board for an extension.

Chairman Dunn asked if the county would still have to have a state of emergency in order to extend the time period. He remarked that the clean up in New York City was still going on but the state of emergency ended long before.

Chief Krakeel felt while there might not be a state of emergency that was in effect at the end of the six months period there could be the potential that the Board might want to extend this time frame. He said relocation assistance might be involved to individuals who were not able to have their structures rebuilt within the six-month time frame. He said this would require additional action on the part of the Board in order to do that.

Commissioner Wells said she could see the negatives and the positives on both sides. She said one thing was sure and that was that catastrophes could not be planned for.

**May 23, 2002**

**Page 14**

Chief Krakeel interjected that Fayette County has had three Presidential declarations of disaster in the decade of the 1990's. He said most of those were flood related.

Commissioner Wells called Chief Krakeel's attention to page 5 and prior to section 3. She said this was an unfinished sentence and she was not sure what was supposed to go there.

Chief Krakeel said the sentence would finish up with "in a particular zoning district."

Attorney McNally said the sentence could be finished with "permitted by the zoning regulations" or "in a specific zone." He said the fact was that they really could not be prohibited anyway.

Chief Krakeel said what was essentially being said was if a park had to be constructed of temporary dwellings for people to reside, that the current zoning ordinance would not inhibit the ability to establish such a part.

Commissioner VanLandingham questioned section 3 regarding the curfew. He asked if the process had been thought out as to how the exempt individuals would be recognized. He said he would hate to be coming to the complex for a meeting and be arrested.

Chief Krakeel replied that a number of individuals had been identified who would be exempt from a curfew. He said individuals in public safety and public health aspects of providing services to the citizens of the community would be exempt from the curfew. He said government officials in the capacity of their official duty would also be exempt. He remarked the ordinance was allowing for the Board to say and/or other workers who may need to travel back and forth to work. He said some individuals might have to go to work at the airport and there would be the capability for them to do that.

Commissioner Wells felt this was a commendable thing that the county was doing this. She said on the other hand it was a tragic thing. She said it was unfortunate that things of this nature were having to be considered. She said it was a sad commentary on the state of society.

Chief Krakeel said he would like to offer a brief word of clarification for the media. He said the county was actually working on these ordinances prior to September 11<sup>th</sup>. He said staff had felt there was a need for this type of ordinance irrespective of the cause of the disaster. He said he did not want to be an alarmist nor did he intend to present this as a situation that was driven solely by September 11<sup>th</sup> events because it was not. He said staff had been working on this for well over one year. He said these ordinances were applicable irrespective of the issue that creates the disaster scenario or the state of emergency in this community.

Commissioner Wells recalled discussing this with Chief Krakeel several years ago. She commended Chief Krakeel for having such foresight.

Chairman Dunn commended Chief Krakeel for getting this together. He commented on the disaster training exercises that had been done in the last few years. He said he was very impressed with everyone in the community being involved in this. He said these kinds of plans were routine to people who have been in these kinds of emergencies. He said with the state of the world today, everybody had plans and not just the military. He said it was a sad state of affairs but that was what it was. He said he was glad to have emergency personnel handling this. He said it was greatly appreciated. He said some of the ordinances the Board would be voting on pertained to continuity of government and others were to protect the citizens with a curfew and people who might try to take advantage of an emergency situation.

Commissioner Frady remarked that in Ordinance No. 2002-05 it stated that the Governor was the only one who could trigger the ordinance. He asked Chief Krakeel if this was correct.

Chief Krakeel replied that the ordinance could be triggered by the Board of Commissioners upon a declaration of a state of emergency. He said emergency personnel would then transmit a request to the Governor for a declaration.

Chairman Dunn asked what would occur if the county felt it was an emergency and the Governor did not.

Chief Krakeel responded that it had been his experience that generally when the request flowed up hill it was pretty much agreed to.

Commissioner Pfeifer pointed out that these ordinances were also applicable to natural disasters which would occur on a periodic basis. He said by having the county be a more intricate part of any necessary action that would need to be taken would help this process some.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to adopt Ordinance No. 2002-04, Ordinance No. 2002-05, Ordinance No. 2002-06 and Ordinance No. 2002-07 relating to a declared state of emergency. The motion carried 5-0. A copy of Ordinance No. 2002-04, identified as "Attachment No. 4", follows these minutes and is made an official part hereof. A copy of Ordinance No. 2002-05, identified as "Attachment No. 5", follows these minutes and is made an official part hereof. A copy of Ordinance No. 2002-06, identified as "Attachment No. 6", follows these minutes and is made an official part hereof. A copy of Ordinance No. 2002-07, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**May 23, 2002**

**Page 16**

**CONSENT AGENDA:** Commissioner Wells asked for clarification on item number 14 (Ballfields Renovation) and item number 15 (Asphalt Walking Trails and Gravel Work). She said additional funds were being requested for recreation. She asked if these were or were not budgeted.

County Engineer Ron Salmons replied that this was budgeted and not enough money was budgeted. He said the plan was to renovate the softball/baseball areas at Kiwanis and down at Brooks. He said not enough money was budgeted. He said item number 15 was for the ADA walkway. He said they were \$4,000 off.

Commissioner VanLandingham remarked that item number 14 was missed by \$31,000 and item number 15 was missed by \$4,000.

Mr. Salmons said the county had gotten bids the first time and went back and rebid it to try and get a cheaper price. He said the baseball fields at Kiwanis were bid twice and this was the second time. He said they were concerned that the first packet that had gone out to bidders the first time had not contained enough information. He said the second time the bidders were given a lot more information.

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

**HOME SCHOOLER'S CONSIGNMENT SALE - SIGN REQUEST:** Approval request from Michele Heard to place a sign on the old courthouse lawn from August 9<sup>th</sup> through August 16<sup>th</sup>, 2002 to advertise the Home Schooler's Consignment Sale.

**MCDONOUGH ROAD/COUNTY LINE ROAD INTERSECTION IMPROVEMENTS**

**AGREEMENT:** Approval of request from Public Works Director to authorize Chairman Dunn to execute the supplemental Agreement regarding McDonough Road/County Line Road intersection improvements. A copy of the Agreement, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**EMERGENCY SERVICES - WILBURT NIGHT SCAN CHIEF LIGHT TOWER:**

Approval of request from Chief Jack Krakeel to purchase a 6KW Generator in the amount of \$4,450 (account #C5730) and to purchase a Wilburt Night Scan Chief Light Tower in the amount of \$5,000 (account #5730). A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

**WATER SYSTEM - BID AWARD TO BRENNTAG MID-SOUTH AND STILES-KEM:**

Approval of recommendation from Water System Director Tony Parrott to award bid to Industrial Chemicals, Inc. for various chemicals; award bid to Brenntag Mid-South for various chemicals; and Stiles-Kem be awarded bid for phosphates. A copy of the bid



award, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**TERRY WILLIS APPOINTED TO MCINTOSH TRAIL MENTAL HEALTH BOARD:**

Approval of reappointment of Mrs. Terry Willis to serve on the McIntosh Trail Mental Health, Mental Retardation, Substance Abuse Community Service Board for an additional two-year term beginning July 1, 2002 and expiring on June 30, 2004. A copy of the reappointment form, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

**FLEET MAINTENANCE - COUNTY AUCTION LIST:** Approval of request from Fleet Maintenance Director Bill Lackey to place vehicles from the Fleet Maintenance Department on the County auction list. A copy of the memorandum, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**STREET LIGHT ACCEPTANCE - GOZA WOODS SUBDIVISION:** Approval of request from Director of Engineering Ron Salmons to accept Goza Woods Subdivision (Phase Two) in the county's Street Light District.

**FIRE AND EMERGENCY SERVICES - COUNTY AUCTION LIST:** Approval of request from the Director of Fire and Emergency Services Jack Krakeel to place items on the County auction list. A copy of the memorandum, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

**WATER SYSTEM AND FLEET MAINTENANCE - COUNTY AUCTION LIST:** Approval of request from the Director of Purchasing Tim Jones to place items on the County auction list. A copy of the memorandum, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

**BID AWARD TO BENSON CONSTRUCTION CO. - MCCURRY PARK FOOTBALL FIELD:** Approval of recommendation from the Director of Purchasing Tim Jones to award Bid No. 374 to the low bidder Benson Construction Co. in the amount of \$10,955 for work to be done on the McCurry Park football game field. A copy of the bid award, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

**FIRE AND EMERGENCY SERVICES - CONTRACT BETWEEN D.N.R. AND FAYETTE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE AND RESOURCE COMMITTEE AND RESOURCE COUNCIL:** Approval of request from the Director of Fire and Emergency Services Jack Krakeel to authorize the Chairman to execute a contract between the Georgia Department of Natural Resources Environmental Protection Division and Fayette County Local Emergency Planning Committee and

Resource Council to conduct Risk Management training to industries utilizing chlorine in their industrial processes. A copy of the contract, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

**FIRE AND EMERGENCY SERVICES - CONTRACT BETWEEN G.E.M.A. AND FAYETTE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE:** Approval of request from the Director of Fire and Emergency Services Jack Krakeel to authorize the Chairman to execute a contract between Georgia Emergency Management Agency and the Fayette County Local Emergency Planning Committee for activities relating to the County's Emergency Management Program. A copy of the contract, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

**FIRE AND EMERGENCY SERVICES - STORM DEBRIS REMOVAL POLICY:** Approval of request from the Director of Fire and Emergency Services Jack Krakeel to establish a Storm Debris Removal Policy. A copy of the Storm Debris Removal Policy, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

**BID AWARD - RECREATION BALLFIELDS RENOVATIONS:** Approval of recommendation from Director of Purchasing Tim Jones to award Bid No. 363 in the total amount of \$97,340 as outlined in his memorandum for recreation ballfields renovations. A copy of the memorandum and bid award, identified as "Attachment No. 19", follows these minutes and are made an official part hereof.

**BUDGET ADJUSTMENT - PARKS AND RECREATION:** Approval of request for a budget adjustment in conjunction with the Parks and Recreation request for work associated with renovation of recreation ballfields in the amount of \$30,840. A copy of the memorandum, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

**BID AWARD - ASPHALT WALKING TRAILS AND GRAVEL WORK:** Approval of recommendation from Director of Purchasing Tim Jones to award Bid No. 373 in the total amount of \$65,249.20 for asphalt walking trails and gravel work as outlined in his memorandum. A copy of the memorandum, identified as "Attachment No. 21", follows these minutes and is made an official part hereof.

**BUDGET ADJUSTMENT - PARKS AND RECREATION:** Approval of request for a budget adjustment in conjunction with the Parks and Recreation request for work associated with asphalt walking trails and gravel work in the amount of \$4,470. A copy of the memorandum, identified as "Attachment No. 22", follows these minutes and is made an official part hereof.

**May 23, 2002**

**Page 19**

**D.O.T. CONTRACT PR 144-1(113)C1 - BRIDGE CULVERT ON GOZA ROAD:**

Approval of request from the Director of Public Works Lee Hearn to authorize the Chairman to execute D.O.T. contract PR 144-1(113)C1 for construction of a bridge culvert on Goza Road. A copy of the contract, identified as "Attachment No. 23", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meetings held on April 25, 2002, May 1, 2002 and May 9, 2002.

**PUBLIC COMMENT:**

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

There was no public comment.

**STAFF REPORTS:**

**AGREEMENT WITH FORD MOTOR COMPANY REGARDING THEIR BUY BACK**

**PROGRAM:** Executive Assistant Carol Chandler asked for the Board's consideration in authorizing the Chairman to execute an Agreement with Ford Motor Company regarding Ford's buy back program. She said the county had three Ford Ranger electric vehicles that had not served the county well. She remarked that Ford's buy back program would allow them to refund the entire purchase amount of these vehicles in the total amount of \$102,000 to the county. She stated money for use of mileage would be removed from the total amount. She said the agreement would allow the county to surrender these vehicles and titles.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Agreement with Ford Motor Company regarding Ford's buy back program. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 24", follows these minutes and is made an official part hereof.

**WATER SYSTEM-REFINANCING PUBLIC FACILITIES BONDS:** Attorney McNally remarked that several months ago the county refinanced the Public Facilities Bonds because of improved interest rates. He said the 1992 issue for the Water System was outstanding and that had its limitations as to when it could be refinanced. He said the county had the opportunity to save \$1.6 million by refinancing that issue. He asked for the Board's consideration to authorize the Chairman to execute the Bond Resolution authorizing the county to proceed as well as authorization to execute the Bond Purchase Agreement with Salomon Smith Barney to proceed with the sale of these bonds.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize the Chairman to execute the Bond Resolution and the Bond Purchase Agreement with Salomon

**May 23, 2002**  
**Page 20**

Smith Barney to proceed with the sale of these bonds. The motion carried 5-0. A copy of the Bond Resolution and the Bond Purchase Agreement, identified as "Attachment No. 25", follow these minutes and are made an official part hereof.

Chairman Dunn remarked that between the two refinancings that the county had done this year would save the taxpayers \$5 million in the long run.

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

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

**LEGAL:** Attorney McNally briefed the Board on a legal matter.

The Board took no action on this matter.

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

It was the consensus of the Board that Attorney McNally proceed in this matter.

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

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

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

The Board took no action on this matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Executive Session Affidavit affirming that four legal items were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 26", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:30 p.m.

---

**May 23, 2002**

**Page 21**

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 13th day of June, 2002.

---

Karen Morley, Chief Deputy Clerk