

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, May 9, 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: Chris W. Cofty, County Administrator
Carol Chandler, Executive Assistant
William R. McNally, County Attorney
Karen Morley, Chief Deputy Clerk

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

SPECIAL CALLED MEETING REGARDING CITY OF FAIRBURN'S ANNEXATION REQUEST:

Executive Assistant Carol Chandler remarked the Board had previously discussed setting a date and time to meet with Fairburn officials to discuss an annexation request.

Attorney McNally remarked that the property was approximately 75% in the Fulton County portion of Fairburn and there was a small slice toward the back of it in Fayette County. He said it was located off of Milam Road. He said he would be glad to answer any questions the Board might have.

Commissioner Wells felt a Wednesday would be a good day to have the meeting.

Commissioner Frady suggested 8:30 a.m. on a Wednesday morning.

On motion made by Commissioner wells, seconded by Commissioner Frady to hold a Special Called Meeting on Wednesday, May 22, 2002 at 8:30 a.m. in the Commissioners' public meeting room at the administrative complex, 140 Stonewall Avenue, Fayetteville, Georgia, discussion followed.

Chairman Dunn remarked that the City of Fairburn had sent a request to the Board to annex nine acres of Fayette County into the City of Fairburn in Fulton County. He said if this was to occur, that property would still be in Fayette County but the City of Fairburn would then become Fayette County's sixth city. He said the Board would have to proceed with some legal requirements and one of those was a public hearing for the Fairburn City Council to come and present their case here in Fayette County. He said this was the first step in the process.

The motion carried 5-0.

CONSIDERATION OF THREE ANNEXATION REQUESTS FROM FAYETTEVILLE CREATING A COMBINED PARCEL OF 53.17 ACRES FOR A PLANNED COMMUNITY DEVELOPMENT NEAR THE HIGHWAY 92/85 SOUTH INTERSECTION:

Director of Zoning Kathy Zeitler stated that she had prepared a report that summarized the annexation requests. She said all of the parcels were being assembled and it was an existing island of unincorporated property that would be annexed into the City.

Chairman Dunn remarked the way that this becomes an island was that the City annexes property surrounding this thereby making it an island. He said this was now illegal but this had happened years before. He said the Board was dealing with something now that should not be allowed to happen anymore.

Commissioner Pfeifer stated that he had been told in the recent past that annexation was not really the business of the County Commissioners but the business of the City officials. He said he rejected that point of view. He said every member of the Commission was elected to this office by all of the citizens in Fayette County. He said since the annexation would affect all of the citizens, he said this was certainly the Commission's business. He said this particular annexation was an unincorporated island of property that was islanded in by the City of Fayetteville. He said beyond that there was not much to say about the annexation itself. He said he did have concerns about the proposed project for this section. He said if this was not an island, he would raise very strong objections to this annexation.

Commissioner Pfeifer remarked that there were two very bad traffic areas in Fayette County. He said one was at the intersection of S.R. 54 and S.R. 74 in Peachtree City and one was at the intersection of S.R. 54 and S.R. 85 in Fayetteville. He said the S.R. 54/S.R. 74 situation was being addressed. He said the widening of S.R. 74 which included the widening of the bridge over the railroad tracks had been moved up on the T.I.P. program due to Chairman Dunn's efforts. He said that area was on its way to resolution. He stated there were no resolutions to the traffic problems in the City of Fayetteville. He remarked there was no room to do the types of things that Peachtree City was able to do by adding lanes. He said the county was in the process of having a traffic study done. He said the Board did not know what the results of that would be. He said this particular project was right in the middle of the worst traffic area in Fayette County that there was no resolution for. He said in that sense he wanted to urge the City of Fayetteville to think about carefully about whether or not this was the right time to initiate a project like this. He said the project consisted of high density housing and would be co-located with commercial properties. He remarked that this was the smart growth theory where people would live and work and shop close to home and will not have to drive their cars. He said if that theory worked it would be terrific but that would mean the people moving to this area would have to shop and work there and that obviously would not happen.

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He said it was definite that this project was going to have a tremendous negative impact on the traffic situation that was already there.

Commissioner Wells said she wanted to express her concern as well. She felt it was very important for the citizens to understand what happens within their community. She said a lot of times people would say that the county was not doing a very good job of planning for the growth, not planning for the transportation and not planning for the schools. She remarked the Board had received an e-mail from a gentleman this week who was holding the Commissioners personally accountable for an incident that had happened in the school. She said there was a lot of misunderstanding as to what the county was responsible for. She stated the Board of Commissioners could not stop this annexation. She said it was a matter of pure form for the Board to vote on this tonight because there was nothing that the Board could do based on the State law. She said she did want the citizens to be aware of what was happening in their community. She said this particular piece of property was going to total 53.17 acres. She said it was located on S.R. 85 and S.R. 92. She said this was an area that already has a tremendous amount of stress on it. She said this particular piece of property was going to be developed with a mix use of office, retail and residential. She said this would be a planned community development and there would be 24.5 acres developed into 72 single homes. She remarked the typical lot sizes would range from .17 to .22 acres. She said there was also an existing lake on the area that would be maintained as a park.

Commissioner Wells further remarked that one of the other things that caused her concern was the impact on the schools. She said if this had been developed the way the county at this point in time was proposing it, there would be approximately 68 students from 45 homes. She said as a result there were going to be 72 homes and an estimate of approximately 108 additional students. She said in addition to that two more cars would be added resulting in approximately 144 additional cars plus the people coming in and out of the retail area. She said this was going to put a tremendous impact on the schools and traffic at that particular location. She said the county was struggling very much with the impact of the traffic. She said when this type of development occurs all around the county, it was very difficult for the Board to be proactive. She said the Board ends up being reactive and none of the Commissioners wants that. She said she did want the citizens to be aware of what was happening. She said this would impact everybody in Fayette County and not just the people who were being annexed. She said the Commissioners were elected to represent all 95,000 Fayette County citizens and the Board wanted to express a great deal of concern about this type of development.

Commissioner VanLandingham said he also understood that there was nothing that the Board could do to prevent the annexation as requested. He felt the Board needed to voice concerns about the affect that it would have on the county and by not doing so would be a dereliction of the Board performing its duties. He stated the staff reports that he had read it said there would be a live and shop area where people would not have to leave home as much. He said

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they might be turning their backs on those residents that they are building homes for here. He said the pedestrian access was not adequate for them to visit this retail space that was being built. He felt the staff's recommendation needed to accompany the Board's feelings whatever they might be and that they also do a traffic study to see exactly what impact this development would have and make it public knowledge. He said the pedestrian access also needed to be improved. He stated this size of a development on a small amount of acreage would have a negative impact on everything in Fayette County. He said the studies that the county was doing and the studies that have been done would be outdated before they would even be printed. He said plans were things that someone intended to do and not things that someone intended to change. He said when the Board was working with plans this was the way it was approached. He remarked this was the reason the Board was not able to provide the infrastructure although it seemed like everyone was looking toward the county to provide relief for the traffic that was being brought about by the very things the Board was discussing tonight. He said he wanted to submit staff's recommendations to the City as well.

Commissioner Frady said there was something that the county could do about this but it had to be done in advance of the City asking for it. He said people have to ask to be annexed. He said they just don't go out and annex property. He said if the county would zone one acre lots around the cities and no one ask to be annexed then they could not go any further than that. He said the smart growth approach was being advocated by GRTA and ARC that these type of communities be built so that people could walk to where they wanted to go rather than get in their car and have to drive. He said he did not know if this would be that type of community but they were looking to save green space and put everything in an area like this so that they can drive there. He said the Board had turned down a lot of zonings around this city and invariably they come back and ask for annexation. He said the Board could not do anything about annexation other than oppose it. He said there was nothing the Board could do about it under State law except oppose it. He said the one way to it would be to put one acre lots around the cities.

Chairman Dunn remarked on the 53 acres that was being requested to be annexed. He said it was part of a much larger development. He said the development would involve almost 300 acres and would have hundreds of homes in it. He remarked there would be hundreds of thousands of square feet of commercial properties which would bring traffic to that area. He said this was a small part of a much larger operation over there. He said what had already been described could be multiplied by five or six times and what kind of an impact it would have on the area regarding schools and traffic. He said a development of this size was going to cause the Board of Education to build another school. He said when this development was combined with the new development located next to Fayette County High School the effects were going to be enormous. He said unfortunately the law stated that the cities can do this. He said the Board of Commissioners has to sit by and allow this to happen. He said no one on this Board wanted to see this happen but it could not do anything about it. He said the Board would have to respond back to the City and tell them that it did not like this annexation

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but it would not mean much. He said he agreed with Commissioner VanLandingham's suggestion and include staff's recommendations.

Chairman Dunn asked Ms. Zeitler if she had a copy of the Southside Master Plan.

Ms. Zeitler replied no that she had not seen it. She said she understood that it was a proposed change to their land use plan that was currently being reviewed by the ARC.

Chairman Dunn said they were coordinating the Southside Master Plan with the people of Atlanta but it had not been coordinated with Fayette County. He said the Board really had no idea of the enormous impact that this was going to have on the citizens in and out of the cities. He said he was a resident of the City of Fayetteville and he was not in favor of it. He said he did not want anymore traffic going through this town. He asked Ms. Zeitler to get a copy of what had been submitted to ARC. He said he was on the executive board of the ARC and he would eventually have to vote on this. He felt Fayette County should be able to see the plan before the region was getting a look at it.

Commissioner Frady asked if the ARC sent these plans to the county for comment.

Chairman Dunn replied only if it was a development of regional impact. He said in the long run the Board would see it. He said the fact was that this was something that should have been coordinated with the county just as a matter of routine since it was on the border. He also stated that there were some good things in this project and if it was in the middle of Atlanta, he would support it.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer that the Board voice the concerns of staff in the comprehensive traffic study requirement and that the pedestrian access be improved. The motion carried 4-1 with Commissioner Wells opposing the motion.

Commissioner Wells said she did not want to send this over to them with an approval of any kind.

Commissioner VanLandingham said the motion was not to approve.

Commissioner Wells said she was voting in opposition to the motion.

Chairman Dunn clarified that the Board would notify the City that the Board did not have a bonafide objection because the law did not allow it in this case but the Board would ask the City to do a detailed traffic study and improved pedestrian access.

Commissioner Frady interjected that traffic was moving a lot better since the traffic signals were synchronized through Fayetteville.

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

STREET LIGHT ACCEPTANCE - VICKERY LANE (PHASE 2 AND 3): Approval of request from the Engineering Department to accept Vickery Lane (Phase 2 and 3) as a street light district in Fayette County.

BID AWARD TO BRUCE ALBEA CONTRACTING, INC. - MCDONOUGH ROAD/COUNTY LINE ROAD INTERSECTION IMPROVEMENTS; MALLET & ASSOCIATES AWARDED ENGINEERING SERVICES: Approval of request from Public Works Director Lee Hearn to award bid to low bidder Bruce Albea Contracting, Inc. on the McDonough Road/County Line Road Intersection Improvements project in the amount of \$495,626; and award Mallett & Associates the construction management, inspection and engineering services for the subject project in the amount of \$47,860. A copy of the memorandum, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

WATER SYSTEM BUDGET AMENDED: Approval of request from the Director of the Water System Tony Parrott to amend the Water System's fiscal year 2001-2002 budget as presented. A copy of the memorandum, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

BUDGET ADJUSTMENT - GIS ENHANCEMENTS: Approval of budget adjustment as requested by Finance Director Mark Pullium concerning GIS enhancements. A copy of the memorandum, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2002-03 APPROVED: Approval of Ordinance No. 2002-03 - Adoption of Enforcement Procedures for Construction Codes. A copy of Ordinance No. 2002-03, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

COUNTY ADMINISTRATOR'S CONTRACT REVISED: Approval of revised contract for County Administrator.

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:

JAIL INMATE AGREEMENT WITH THE SOUTH FULTON MUNICIPAL REGIONAL JAIL AUTHORITY: Attorney McNally remarked that the county's agreement with the South Fulton Municipal Regional Jail Authority would expire on May 18, 2002. He said the Board had the ability to extend this Agreement for an additional six month period expiring on November 19, 2002. He asked for the Board's consideration in authorizing the Chairman to execute this Agreement.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize the Chairman to execute the county's Agreement with the South Fulton Municipal Regional Jail Authority to extend the agreement for six months with expiration on November 19, 2002, discussion followed.

Chairman Dunn asked if something precluded the county from getting into the new jail before November 19, 2002, could this Agreement be continued on short periods of time.

Attorney McNally replied he would check and see if this could be done.

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

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss two legal items and one real estate acquisition.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to adjourn to executive session in order to discuss two legal items and one real estate matter. The motion carried 5-0.

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

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

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

The Board took no action on this matter.

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

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On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize Attorney McNally to proceed in this matter. The motion carried 3-2 with Chairman Dunn and Commissioner Pfeifer voting in opposition.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Executive Session Affidavit affirming that two legal items and one real estate matter were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 6", 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 9:00p.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 23rd day of May, 2002.

Karen Morley, Chief Deputy Clerk