

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, November 14, 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  
                                      William R. McNally, County Attorney  
                                      Carol Chandler, Executive Assistant  
                                      Karen Morley, Chief Deputy Clerk

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Chairman Dunn called the meeting to order, offered the Invocation and offered the Pledge to the Flag.

**PROCLAMATION FOR "GEORGIA RETIRED EDUCATORS DAY":**

Chairman Dunn read and the Board presented a Proclamation designating November 17, 2002 as "Georgia Retired Educators Day" to Joan Neal, Alice Mallory and Ms. Farr. A copy of the Proclamation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**ORDINANCE NO. 2002-12 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7.2.B.1A. AIRCRAFT HANGAR APPROVED:**

Zoning Administrator Kathy Zeitler stated that this concerned the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7.2.B.1A. Aircraft Hangar by the Zoning Department. She said the Zoning Department had received a building permit application for a hangar for a flying community. She said it was noticed that the Zoning Ordinance did not address hangars at all. She said this would really be an accessory structure on a lot in A-R zoning. She said it stated that accessory structures were addressed in the zoning ordinance but were limited to 900 square feet. She said a couple of workshops had been held, input was received from the fly-in community who were Fayette County residents. He said they had come up with some criteria for conditional uses to add to the aircraft landing area that would address hangars. She said it had been defined and the use limited to storage of aircraft, the number of hangars was limited in A-R, it was specified that no commercial use would be allowed in a hangar in A-R and also it was stipulated what an accessory building in A-R had to be as far as setbacks, the location on the lot and also the size. She said this was what was being presented tonight and she would be glad to answer any questions that the Board might have.

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Chairman Dunn remarked that this was a public hearing and he asked if there was anyone present who wished to speak in favor or against these proposed changes. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner VanLandingham remarked that in Section 7.1.B.1 this sets a precedent that there would have to be a landing strip before a hangar could be constructed. He asked for clarification on this issue.

Ms. Zeitler replied yes that it would have to comply with all of the aircraft landing area criteria in order to be located. She said this would only be for an aircraft landing area where a hangar could locate.

Commissioner VanLandingham clarified that the strip would have to be available before a hangar could be built.

Commissioner Frady asked if this would apply to a helicopter pad too.

Ms. Zeitler responded yes that it would pertain to helicopters.

Chairman Dunn remarked that there could be one hangar for a lot ten acres or less. He asked if a lot was eleven acres could there be as many as would fit.

Ms. Zeitler replied that was correct. She said this was similar to farm outbuildings and barns set up. She said there was a size limit and limit on the number if there was ten acres or less and for more than ten acres there was not a limit.

Chairman Dunn clarified that the only defining number was ten acres and Ms. Zeitler replied yes that was correct.

Chairman Dunn said the second question that he had concerned some of the wording that had been taken out that was put before the Planning and Zoning Board at the suggestion of the Attorney Dennis Davenport. He said he was still left with one question. He said when he had read this initially it looked like an owner or someone who was leasing the property could have an aircraft in one hangar and an aircraft that they owned in there. He asked if the owner of the property who did not own a aircraft could lease the hangar to another party.

Ms. Zeitler replied no. She said the owner could let someone else store the aircraft in the hangar on a temporary basis who did not live there as long as he did not collect a fee. She said once the property owner collected a fee it would be a commercial endeavor and number 4 addressed that issue by saying that no business could be conducted.

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Chairman Dunn said the reason he had questioned that was because the section that was removed referred to otherwise stored aircraft that were not owned by the lot owners or their leasees. He said he assumed the leasee referred to in that was leasing the entire property but one could not lease the hangar.

Ms. Zeitler replied yes that was correct.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7.2.b.1a. Aircraft Hangar as presented. The motion carried 5-0. A copy of Ordinance No. 2002-12, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**BIENNIAL APPLICATION TO THE GEORGIA GREENSPACE PROGRAM AND ADOPTION OF RESOLUTION APPROVED:**

Senior Planner Pete Frisina remarked that Fayette County had begun participation in the Georgia Greenspace Program in 2000. He said also participating with Fayette County was the City of Fayetteville, City of Peachtree City and the Town of Tyrone. He said since 2000 the County had received approximately \$1.4 million from this program. He said the county alone had received approximately \$731,000. He said in 2000 in conjunction with park property purchase in the Kenwood area the county purchased 44 acres by using approximately \$365,000 of the greenspace funds. He said this leaves the county with approximately \$360,000 still in the account. He said the grant application had to be renewed every two years and this was the reason he was before the Board today. He said this application was due November 30<sup>th</sup>, 2002. He said Fayetteville, Peachtree City and Tyrone were again going to participate and they would be acting on this as well. He said any community that participated in this program was committing to permanently protecting 20% of their county and that was the goal that legislation sets out. He said the total goal for Fayette County was approximately 25,360 acres. He said the goal for the unincorporated portion was approximately 19,000 acres. He said communities must use several methods to achieve the goal. He said in the county's plan there were fee simple purchases, purchases of development rights through easements or covenants, donations and ordinance amendments to reach this goal. He said according to his estimates, fee simple purchases would account for approximately 3%, easement purchases would account for approximately 35% and hopefully donations would account for approximately 10% and ordinance amendments would account for at least 52% of that protection goal. He said in terms of ordinance amendments, one of the more encouraging ways he had discovered to do this was to require permanent protection of the watershed buffer areas. He said this would be an added layer of protection above our watershed protection area. He said these would be areas that needed to remain undisturbed anyway. He said Cobb County had instituted the procedure in July, 2002 and to date they had protected approximately 160 acres using that method.

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Mr. Frisina further remarked that the templates supplied to local governments this time required more detail than the previous grant application in 2000. He said more emphasis was put on estimating the costs associated with the program and sources of those funds. He said the cost associated with the unincorporated county were in the tables in the memorandum previously sent to the Board. He said estimating these costs was fairly difficult to make them accurate. He said there were many assumptions that could be made when trying to build a model. He said there were many variables that would not be anticipated that could affect the cost over time. He said these costs were based on an average basis. He said in the fee simple category it was estimated that the county would purchase approximately 100 acres in the next five years. He said this would be averaged out at 20 acres per year based on the base price with that price increasing 5% per year which was the same rate used in the impact fee analysis. He remarked that these were just estimates.

Mr. Frisina further remarked on the estimates for the county alone regarding fee simple and purchase of easements was approximately \$3,879,000. He said the sources of greenspace funds that would be used would account for approximately 43% of that amount. He said he would look for State and Federal grants and he hoped to get about 35% of it from that. He stated the other 23% would have to come from some local funding sources. He said all in all this program had been fairly successful for Fayette County. He asked for the Board's approval of this application and adoption of the Resolution so that the program can be continued for two more years. He said they would try and pursue the measures that had been identified in the program to help achieve the 20% goal.

Commissioner Frady asked if there was a fee that the county would have to pay.

Mr. Frisina responded no and stated that this was one of the programs where the county would actually get money back.

Commissioner Frady asked Mr. Frisina if anyone foresaw any changes in this with the prospects to the new Governor.

Chairman Dunn said he had actually asked that question in Atlanta today at the A.R.C. meeting. He said they were not aware of anything. He said he had asked one of the new Governor's cabinet members and they were not aware of any initiative on the part of the new Governor to eliminate this program. He said it was not known, of course, if it would survive with a new administration. He said even if the program did not survive, the county had been able to use the money very well as had all three of the municipalities.

Commissioner Frady commented that funding from the State was not guaranteed and was done on an annual basis by the Legislature. He questioned why this had been done on an annual basis instead of having some kind of legislation that would guarantee these funds.

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Mr. Frisina remarked that the funding was available every year and the application was renewed every two years.

Chairman Dunn said he found it interesting that the Governor had cut a lot of funds this year because at the State level they were claiming 11% to 13% less revenue State wide. He said there was only a very minor reduction in this program.

Mr. Frisina said it was his understanding that the amount must be approved every year and was not a set amount.

Chairman Dunn said he was surprised that this program withstood the scrutiny of the budget cuts that had just gone through the State twice. He said he felt the new Governor was committed to greenspace as well.

Commissioner Frady said he had heard this morning that the School Board budget was going to be cut.

Chairman Dunn remarked that this was a public hearing and if anyone in the audience wished to speak in favor or against this issue they could speak at this time. Hearing none, he asked Mr. Frisina for clarification on an issue. He remarked if the county did not get into the program then the cities could not either. He said the county would be the driving force. He asked if the county committed to preserving 20% of Fayette County and the cities participated in the program, were the cities committing to saving 20% of the land within the city limits.

Mr. Frisina replied theoretically yes. He said if the cities were to purchase property in conjunction with something the county was doing outside of the boundaries, then that would be permissible for them as well. He said the county could not use this outside of Fayette County. He said the goal was for the county as a whole to have that amount.

Chairman Dunn said the ultimate goal of the program was 20% and the cities were getting almost half of this money.

Mr. Frisina replied that Peachtree City probably gets the largest share, Fayetteville would be next and Tyrone would get a fairly small amount.

Commissioner Frady remarked that Brooks and Woolsey do not participate in this and Chairman Dunn responded that they were under the county's umbrella.

Mr. Frisina said that Brooks and Woolsey's share would be so small that it would not really be that beneficial for them to do it.

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Chairman Dunn clarified that Mr. Frisina was asking for the Board's consideration to approve the application and the Resolution to be submitted to the Department of Natural Resources.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the Application and authorize the Chairman to execute the Resolution to be transmitted to the Georgia Department of Natural Resources. The motion carried 5-0. A copy of the Application and Resolution, identified as "Attachment No. 3", follow these minutes and are made an official part hereof.

Chairman Dunn commended Mr. Frisina for all of his work on this program. He said this was the type of thing that he had been proactive on for the last couple of years and more than most counties' planning departments were. He felt this had been great for the cities as well as the county.

**CONSIDERATION OF COUNTY EXCHANGE OF PROPERTY WITH STEVEN ALLGOOD:**

Attorney McNally asked for the Board's consideration to table this item to the next Commissioners' meeting to be held on December 4, 2002. He said Mr. Allgood was out of town and he wanted to look at some plats and get with him at a later time.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to table this item to the December 4, 2002 Commission meeting. The motion carried 5-0.

**METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT DUES APPROVED FOR 2003:**

Chairman Dunn remarked that he was a Board member on the Metropolitan North Georgia Water Planning District. He said the counties were required to pay at least \$1 million into this fund for dues. He said last year when this was started the initial recommendation was for \$1.07 each and the dues would have been \$110,000. He said several Board members did not like that very much. He said it was reduced last year to 80¢ each and that was approximately \$78,000 in dues. He said this year there were some Federal grants above and beyond what had been anticipated. He said they had made some motions at one of the meetings in June since there was a little bit more money received from Federal grants that taxpayers should pay less dues. He said some people were not thrilled with that motion but it did pass. He said as a result, the dues were down to 55¢ and the county's dues were now \$50,195 rather than the \$78,000 that was paid last year. He asked for the Board's consideration in making a motion to pay the \$50,195. He said the county always had the option of refusing which would not be advisable. He said the dues were substantially lowered and he recommended that these dues be paid right away.

Commissioner Frady suggested that the county pay the initial payment of \$22,961. He questioned if there might be some replacements by the director when the new Governor of Georgia takes over.

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Chairman Dunn felt there would not be a problem unless this Board was eliminated and he stated that the issue of water was just too critical for that to occur. He felt this Board would be even more active in the future regardless of who the Governor was.

Commissioner Frady felt there might be some changes and it was uncertain. He said it would not cost the county anything to defer payment. He said he would like to make a motion to pay just the initial payment and the balance later.

On motion made by Commissioner Frady, seconded by Commissioner Wells to pay the first initial payment of \$22,961 to the Metropolitan North Georgia Water Planning District for 2003 dues, discussion followed.

Chairman Dunn said the Board would need to execute the Agreement for Payment of Fees.

Commissioner VanLandingham said he would like to amend the motion to include the approval of the Agreement and authorize the Chairman to execute same and have the County Administrator handle this matter. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

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

**ULTIMATE SECURITY AWARDED BID - WATER SYSTEM SECURITY:** Approval of Water Committee recommendation to award bid for security improvements to the low bidder Ultimate Security in the amount of \$310,000 for the Fayette County Water System. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**BROOKS CREEK WETLAND - ENGINEERING STUDY:** Approval of Water Committee recommendation to have an engineering study done at the Brooks Creek Wetland site to be sure we have not impacted the adjoining property. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**SHOCKLEY PLUMBING - AWARDED BID:** Approval of Water Committee recommendation to award the base bid on miscellaneous water meter installations to Shockley Plumbing in the amount of \$71,400. A copy of the memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

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**TANK PRO - AWARDED BID FOR PAINTING OF PEACHTREE CITY WATER**

**TANKS:** Approval of Water Committee recommendation to award bid for exterior paint repair at Peachtree City Water Tanks to Tank Pro in the amount of \$146,845. This bid award is for the base bid, plus Alternate 2 and 3. A copy of the memorandum, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**MILL POND MANOR - COUNTY PAYMENT OF PAST DUE TAXES ON LAND:**

Approval of county payment of past due taxes for the year 2000 in the amount of \$234.91 and the year 1999 in the amount of \$256.34 on land at Mill Pond Manor previously donated to Fayette County.

**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.

**STAFF REPORTS:**

**COMMISSIONER VANLANDINGHAM:** Commissioner VanLandingham remarked on the A.C.C.G. tour of South Georgia that involved the E.P.D., E.P.A., W.P.A., a panel of farmers, and anyone concerned with water issues and methods of irrigation. He said the purpose of the tour was to calm some of the farmers anxieties about what was being done in the Flint River Basin area. He said what was done here would drastically affect them. He said they were very concerned about reservoirs and what Fayette County was doing with its reservoirs and why. He said they were having a lot of difficulty with recreational reservoirs. He said they were doing everything that could possibly be done. He said they had put in an irrigation system that cost \$100,000 for twenty acres. He said the largest field that he saw was two miles long and four miles wide. He said the farmers were going to have a return visit in this area and he asked for the Board's consideration in making Lake Horton available as a point on the tour that was scheduled during January or February, 2003.

Chairman Dunn interjected that the members of the North Georgia Water Board were very active participants in the Flint River Basin advisory group. He said one of the things that the members were charged with was to be very cognizant of the effect of anything that was done here in the Flint River Basin all the way down into Florida. He said these visits were part of an overall plan with A.C.C.G. and the results of which would be considered by the water boards and committees. He said he had no problem with hosting individuals here from the Southern portion of the State.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to make any of the County's water facilities available on an A.C.C.G. tour that is scheduled during January or February, 2003. The motion carried 5-0.



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**ATTORNEY MCNALLY:** Attorney McNally remarked that several years ago the Federal Government had sold the frequencies that Fayette County was assigned on the general purpose 800 MHZ system for running of the 911 system. He said this necessitated the moving of the 911 system and in order to accomplish that a new system of towers had to be set up. He said the new 821 MHz system was going to operate on a series of seven towers located throughout Fayette County. He said this Board had charged him with trying to locate towers that the county could economically make this transition to. He said the anticipated system was one which was going to require the building of four to five new towers which would be very expensive to build. He said the county established a system where existing towers could be utilized to the greatest extent possible. He said there was a county location in Peachtree City and also on McDonough Road. He said the county also utilized a 500 foot tower on Swanson Road and a 180 foot tower located on S.R. 54. He said this left the county with three problem areas. He said the Westbridge area had been handled by negotiating with a company who had a 180 foot tower at that location to remove that tower and replace it with a 300 foot tower. He said one of the things on the new system was that since the radio waves were designed not to bleed over into adjacent areas and the antennas were strategically located to beam into Fayette County. He said this was the reason the towers were around the circumference of the county. He stated in order to get the proper coverage and Fayette County wanted 95% coverage, the altitude of the antennas had to be considerably higher than in the past. He said the tower would need to be 300 feet at the Westbridge location, 480 feet at Swanson Road and 480 feet at McDonough Road, 150 feet at S.R. 54 and 300 feet at each of the other locations. He said the county had negotiated with a company to lease them the site on Porter Road and S.R. 85 South to locate a tower and fortunately the Town of Brooks saw fit to permit one of the companies to locate a tower within the Town limits. He said there was a total of seven locations two of which were owned by either Peachtree City or the county. He said this had permitted one company, American Tower, to lease the property from the county at Porter Road in exchange for locating the county on towers at the Porter Road site, S.R. 54 and Swanson Road. He said Sprint Com who owned the tower at Westbridge Road also was building a tower in Brooks. He remarked that the county had negotiated the ability for the county to locate free of charge on both of those towers and they would be taking down the 180 foot tower and putting up a 300 foot tower so that the county could be located at that altitude.

Attorney McNally asked for the Board's consideration to approve this plan and waive the requirements of setbacks since some of these sites, particularly the one at Westbridge was pre-existing and could not comply with the county's newest ordinances to setbacks from residences and so forth. He said the reason he was requesting this was in absence of it the only thing that the county would be forced to do would be to acquire adjacent property and build a 300 foot tower. He said this plan meant that the county was able to locate its 911 system basically free of charge for the next twenty years. He said there were two sites where the lease that the company had was not quite twenty years, however, the county would have the ability to step in and take the site as eminent domain if it was necessary.

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On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the plan as presented by Attorney McNally. The motion carried 5-0.

**EXECUTIVE SESSION:** Attorney McNally requested an executive session to discuss three legal matters and three real estate items.

**EXECUTIVE SESSION:** On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to adjourn to executive session to discuss three legal matters and three real estate items. The motion carried 5-0.

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

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

**REAL ESTATE:** Attorney McNally discussed a real estate matter with the Board.

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

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

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

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

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed. The motion carried 4-0-1 with Commissioner Frady abstaining from the vote.

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

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

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

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize Attorney McNally to proceed in this matter. The motion carried 4-1 with Commissioner VanLandingham 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 three legal matters and three real estate items were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 9", 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 9:00 p.m.

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Karen Morley, Chief Deputy Clerk

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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 4<sup>th</sup> day of December, 2002.

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Karen Morley, Chief Deputy Clerk