

The Board of Commissioners of Fayette County, Georgia met in Official Session on September 27, 2001, 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
Linda Rizzotto, Chief Deputy Clerk

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

REZONING PETITIONS:

On behalf of the County Commissioners, Vice Chair Wells welcomed everyone to the meeting tonight. She remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county and stated the rules for rezoning. She said that 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 risen. 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.

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.

PUBLIC HEARING:

PETITION NO. 1084-01: Kathy Zeitler, Zoning Director, read the petition for 1084-01, Cathryn R. Stephens, Deborah S. Williamson, and Elizabeth B. Stanley, Owners, and Michael L. Faulkner, Agent, request to rezone 124.40 acres from A-R to R-55 to develop a single-family residential subdivision consisting of 79 lots. This property is located in Land Lots 253 and 254 of the 4th District and fronts on S.R. 85 South and the future extension of Christopher Drive.

Agent, Mike Faulkner, proposed developing the property in question to one-acre lots. He stated he realized this was not within the Land Use Plan for this particular area, however, the properties adjacent to this land comprise 61 percent of the adjacent lots. He said it was currently zoned A-R. He mentioned south of this property were two-acre lots which comprised a little less than 12 percent of the lot lines. He commented that actually A-R properties were 18.5 percent with another 8 percent being institutional that was zoned A-R but it was school property. He stated the new school was coming in across the street from the south entrance to the property and White Water Middle School was at the northeast corner of the property. He said with that amount of surrounding property being one-acre zoning or one-acre lots, he felt that it was appropriate for this to be zoned one-acre. He added if you would look at the preliminary site plan or the concept plan that he turned in, it showed seventy-nine lots, however, after taking a real look at the property, the southwest corner where you see six lots there, he was going to take those out to make this area greenspace. He said this would sort of match what was on the northwest corner of this property. He added he would have a little bridge over the creek and create some additional greenspace there.

Agent Faulkner stated one of staff's concerns was having the swim/tennis area near the highway versus being centrally located. He said this was placed there intentionally, but this could be massaged. He said the reason for doing this was for noise abatement of the swim and tennis area and any lighting at the tennis courts would be removed from around the houses. He said this would also create a buffer between S.R. 85 and the houses so this was

Minutes

September 27, 2001

Page 3

why he chose to put this out there. He mentioned one of the things that he required in all of his neighborhoods from his builders were sidewalks on both sides of the road. He said he liked to create neighborhoods, not subdivisions. He said he probably leaves a lot of money on the table by doing this as he spends a whole lot of money to create this. He said he makes an extensive effort to maintain all of the trees on the properties when he develops. He mentioned one of the things that this property allows with it being adjacent to the schools was that it creates a smart growth development because you will have children of all ages being able to walk on sidewalks to and from school. He said this eliminates possibly the school bus from having to come into the neighborhood or not as often, it eliminates road trips by parents taking and picking kids up from schools. He said we do not get to walk on sidewalks or ride bicycles on sidewalks anymore because of where the schools lie and being further away from residential areas. He said this would give us a unique opportunity to create that again.

Agent Faulkner stated the entrance to the new high school and elementary school was a little bit to the south of where his entrance would be. He said it was actually right across the street from the church there on the southeast corner where it says R-40. He said he planned to create sidewalks going down to the school entrance. He added it was his understanding the DOT was working on signalization which would be necessary for the school, and this would be an opportunity to have crosswalks there so the children can go back and forth. He stated another issue was at the Whitewater Creek Middle School entrance on Christopher Drive. He commented presently there was a big problem because of insufficient parking at Whitewater Middle School, and when there were events there, a lot of people in the Woods Subdivision could not get in and out. He said this would also be a problem for emergency vehicles. He said this development should not be used as a thoroughfare, but it gave another opportunity to have an entrance and an exit for Christopher Drive. He commented right now Christopher Drive just dead ends and there was no curb and gutter there. He added the water just runs off and has caused a severe erosion issue and his plan would help correct that. He stated he would work with the Board of Education on that part adjacent to this subdivision which had ballfields and playground areas for Whitewater Middle School. He said this would be an opportunity for them to put in some parallel parking on Christopher Drive or he may widen the road and there could be some straight-in parking which would eliminate all the people parking up and down Christopher Drive. He commented there were a number of people from the Woods Subdivision in the Planning meeting that were concerned about the additional traffic being on that road. He said the main entrance to the proposed subdivision was actually going to be the south entrance off of State Highway 85. He said this was an opportunity to enhance Christopher Drive and maybe eliminate some of those parking issues.

Agent Faulkner said that Planning and Zoning had recommended two-acre lots, mainly because that was where it fit into the Land Use Plan. He commented that with the greenspace and the additional greenspace he was going to create, it would average out to about one and

Minutes

September 27, 2001

Page 4

a half acre yield out of the property. He said seventy-nine lots on one hundred and twenty-eight acres was not that many lots. He said the benefits certainly outweigh overcoming the Land Use Plan and the main reason was that this property, and criteria that the county has used before, was how much of the adjacent property would match this zoning. He stated that when you have 61.4 percent of adjacent property being either zoned one-acre, or one-acre lots, then this would seem to be a good match there.

Chairman Dunn asked if there was anyone to speak in favor of this petition, hearing none, he asked if anyone wished to speak in opposition and hands were raised.

Richard Braun, 185 Cedar Creek Court, Woods Subdivision, commented that he was in opposition to this request for two reasons. He stated the first reason was that the R-55 request was not in conformity with the present Fayette County Land Use Plan. He said his second objection revolves around the proposed extension of Christopher Drive, which if it ever did come about, would add to the already heavy traffic conditions that presently exist on Christopher Drive and create a very hazardous situation at Christopher Drive and Highway 85. He said this was an uncontrolled intersection. He remarked that twice during the day, they have anywhere from 150 to 200 cars approaching Christopher trying to get out, or into the school area there during the morning and afternoon hours. He said in addition to that when school has evening events, such as football games every Friday, there were at times anywhere from four to five hundred cars and there was not sufficient parking at the school to accommodate all of these vehicles. He said this seemed to be generally well known throughout the various county offices that he talked to regarding this issue. Mr. Braun stated that earlier Mr. Faulkner referred to a severe erosion problem at the end of Christopher Drive, however, the Engineering Department submitted a report to the Zoning Department which indicated this area was heavily wooded but they did not see any erosion problem. He said in addition to that, the area from the end of Christopher Drive to this property line was about six hundred feet and as far as he could tell, that property was owned by the Board of Education. He commented he has not been able to talk to many people from the Board of Education regarding this matter, but he would like to know, if the road was going to be developed, who was going to do it and who was going to pay for it.

Agent Faulkner said in rebuttal that he would obviously be paying to extend the road since he was the person improving it.

Chairman Dunn asked if this was on the school property.

Agent Faulkner stated there was an easement there. He said this was what the School Board was going to mention, that they would like to look at the easement. He added that everything that he had from an engineering standpoint, when they did the survey, shows that there was

Minutes

September 27, 2001

Page 5

a sixty-foot easement there for the extension of Christopher Drive. He said the erosion that Mr. Braun mentioned was indeed heavily wooded but there were ditches there deeper than he was tall but they would be eliminated. He said he already addressed the concerns on the traffic. He said it was also his understanding, and the School Board may correct him if he was wrong, but the School Board was working on a plan to maybe put an additional parking lot on the north side of Whitewater School so that they can bring the buses into that side but when there was an athletic event or something else, that lot would provide some additional parking. He said obviously there was a problem there but he believed the new subdivision would help alleviate part of that problem.

Chairman Dunn asked Jerry Whitaker from the Board of Education to speak. He was a neutral party.

Mr. Whitaker, Director of Facilities Planning and Land Acquisition for the Board of Education, asked if there was really an easement. He said all of the School's plats did not show an easement across their property for the extension of Christopher Drive. He said he went to the Clerk's office today to see if they had it and they told him it would probably take two weeks to find it. He said he was here asking to be shown that there was an easement across their property before someone cut a road there.

Chairman Dunn asked Zoning Director Kathy Zeitler if staff had checked into this easement.

Ms. Zeitler stated the applicant did submit a sign and sealed survey that showed there was a sixty-foot easement there in favor of the Board of Education but it did not give any recording information so they have not verified that.

Chairman Dunn brought the matter back to the Board and asked for comments.

On motion made by Vice Chair Wells to approve Petition No. 1084-01 as R-75 as proposed by Planning and Zoning. Seconded by Commissioner Pfeifer for discussion.

Vice Chair Wells stated the reason she was supporting this as R-75 was because it would give the county two-acre lots. She said she knew this was a higher density than what Mr. Faulkner requested but this did put it more in line with what the county wanted to develop in that area. She said because of the way the area has developed that perhaps A-R was no longer appropriate. She added she was concerned with several of the issues, one of them being the traffic that was around there. She remarked the bottom line was this property would be developed and if we could put something there with the smallest impact possible on the neighborhood, she thought this was what the Board was compelled to do. She said she was

Minutes

September 27, 2001

Page 6

very concerned about the increase in the schools according to the information that the Board has. She commented this would be about one hundred nineteen students if we did the R-55 that was requested and that was with a one-acre lot. She said if the Board could cut that approximately in half that would be fifty-eight students instead, and Whitewater Middle School already exceeds capacity as there were already eight trailers there. She commented anything the Board could do to minimize the stress on that particular area, while meeting the needs of those who wish to develop it, she thought was the Board's responsibility to do.

Commissioner VanLandingham commented he would be stating much the same as Commissioner Wells. He asked if this development fell within the Heritage Harvest Church waterline.

The Board discussed the waterline issue briefly and concluded that this was a separate issue and that the waterline in question was further down from this request.

Chairman Dunn commented that he agreed with Mr. Faulkner that he did, indeed, build a quality development. He said the question here was is this the appropriate place for even Mr. Faulkner's quality subdivision or neighborhood. He said he would like to see the land not developed at all because this was a beautiful area back in there but he didn't think this would be fair to the land owner or the developer to do that. He commented this Board had to be consistent and fair in their judgements on these things and so based on the Land Use Plan and based on the zoning of the surrounding property, he thought it would be ill advised for this Board to try to hold this particular property owner to five-acre lots. He added the people around the area had not been held to five-acre lots and he didn't think the Board could do that here. He said, however, to exceed the Land Use Plan was something he was not often accused of and he didn't think he could do it in this case either so he did support the two-acre lots.

Chairman Dunn remarked that if he was living in the Woods at Whitewater he would not be at all pleased with a road coming through the proposed subdivision right out in front of the entrance to their subdivision. He said it was very difficult for them to get in and out of the subdivision now. He stated we can say whatever we want about relieving pressure, this would bring more people and cars that did not exist now. He remarked the study indicates that there would be seven hundred plus trips per day coming out of the subdivision. He said he went to the school there quite often in the evening to the track there and even late in the evening the road gets crowded there. He said the problem there with reference to the easement must be solved if you intend to extend Christopher Drive. He clarified with Mr. Faulkner that he was now saying he wished to build seventy-three lots.

Mr. Faulkner said the actual threshold that he would end up with would be a minimum of sixty lots.

Chairman Dunn said it looked to him like the motion for two-acre lots should not be too bad because if Mr. Faulkner took out the same acreage for the roads that was currently in the plan, 10.88 acres, and the ten acres of greenspace, one would be talking, with two-acre lots, about 54 lots there. He added this was considerably more than Mr. Faulkner could get in there now on five-acre lots. He said he felt the Board would be accommodating Mr. Faulkner and the land owner, and at the same time preserve our Land Use Plan. He said while the Board was not going to deny any growth there, we were going to try and maintain it at a lower level for the residents that already live there. He said he would support the motion at two-acres.

The motion carried 5-0. A copy of the Resolution and Ordinance approving Petition No. 1084-01 to R-75 zoning, identified as "Attachment No. 1" follows these minutes and is made an official part hereof. A copy of Staff's Investigation and Analysis, identified as "Attachment No. 2" follows these minutes and is made an official part hereof.

ORDINANCE NO. 2001-12 APPROVING AMENDMENTS TO THE FAYETTE COUNTY SUBDIVISION REGULATIONS REGARDING FINAL PLAT, SECTION 4-2.5 RECORDATIONS, 8.:

Engineering Department Director Ron Salmons said basically these amendments will require that all final plats that his department receives will be put into a digital format so that the department staff can load them into the GIS system. He advised that this would reduce the work load for the Tax Assessor in making the splits or keeping their maps up to date. He added there would be virtually no cost if the surveying company has a computer-aided drafting system and virtually every one of them did. He said the cost would be minimal if there was still someone out there who did it by hand but we couldn't find anyone that still did it by hand and not with a computer. He stated this to him was a relatively minor item but it was something that he felt would save the county money in the long run.

Chairman Dunn asked if there was anyone from the public who wished to comment for or against the amendment to the Subdivision Regulations and there was none.

On motion made by Commissioner VanLandingham to adopt the proposed amendment to the Fayette County Subdivision Regulations regarding Final Plat, Section 4-2.5 Recordations, 8. Vice Chair Wells seconded the motion for discussion.

Commissioner VanLandingham inquired of Mr. Salmons what happens when there was a piece of a tract which someone wanted to subdivide and give a portion to their children to build on. He said this was going to place a larger burden on that person.

Mr. Salmons asked if he was talking about a large tract of land. He said his office did not get a final plat on a five-acre tract of land. He said basically what he was talking about here were subdivision-type plats and lots less than five acres. He commented that if the property to be given away to someone's children was five acres or more then that final plat did not come through and wasn't regulated by our Subdivision Regulations. He added the property would have to be recorded and the papers would have to be drawn up by hand as a split by the Tax Assessor's Office.

Commissioner VanLandingham said land had previously been given away and one had to create a subdivision because there was a one-acre tract given.

Mr. Salmons said a one-acre tract would have to have a survey.

Commissioner VanLandingham said the one-acre tract was already in existence and it created a subdivision.

Ms. Zeitler stated anytime you have a lot split that results in any of the lots being under five-acres, it goes through the final plat process, where it requires county approval and a surveyor would have to do that final plat for them and they all use the digital format so it would not be a problem for them to give a disc to the Engineering Department.

Commissioner Frady stated he would still have to have a survey so there would be a plat on record. He said whoever did the survey would digitize it. He asked if a piece of property was already divided and a guy owned a three-acre tract and he had a two-acre tract he wanted to give to his children and had it platted, would this be a concern.

County Attorney McNally said if it was an already platted subdivision that would be grandfathered they would need to do nothing. He added there would not be any more work they would have to do because today most of your engineer's do it this way and then just convert it onto paper anyhow.

The motion carried 5-0. A copy of Ordinance No. 2001-12, identified as "Attachment No. 3" follows these minutes and becomes an official part hereof.

ADOPTION OF RESOLUTION NO. 2001-12 , FOR MILLAGE RATES FOR 2001: Finance Director Mark Pullium stated in the budget process it was the intention to maintain the existing millage rate and that was how we structured our budget this year. He said in keeping with that spirit, the gross millage rate in the unincorporated area was proposed to remain at 9.84 mils with a sales tax rollback of 2.255 mils and an insurance premium rollback of .945, resulting in a net millage rate to the unincorporated area of the county of 6.640 mils.

Mr. Pullium said in the incorporated area, we started off with 9.840 as the gross millage rate, a sales tax rollback of 2.255 mils and the net millage rate in the incorporated area of the county of 7.585 mils. He commented in addition the county was proposing to maintain the Fire District millage rate at 3.778 mils. He said the revenues that will be raised as a result of this tax levy were 29.4 million dollars and the increase and the digest year 2001 over digest year 2000, fiscal year 2002 versus fiscal year 2001 was 3.01 million dollars.

Chairman Dunn announced that this was the third and final meeting the Board was required by law to have. He asked if there was anyone present who wished to speak and there was none.

On motion made by Vice Chair Wells to adopt Resolution No. 2001-12 for millage rates for 2001 as presented. The motion was seconded by Commissioner Pfeifer.

Commissioner Frady commented as he stated in the first meeting that we had a tax increase last year of 30.54 percent which 22 percent of that was reassessment. He stated this year we have an increase of 11.42 over last year and about 60 percent of this was reassessment. He said he could not support this motion because he thought we needed to take the taxpayers into consideration a little bit more than we were, and rollback the reassessment portion of this tax increase. He said he didn't think it was right to do this. He said we have more obligations out here to the taxpayers and we can't keep raising taxes, in his opinion, like this every year, regardless of reassessment. He said his views had always been that we need to generally run our M & O operations of government with the normal increase that we have in growth and this year he believed it was 5 percent. He commented we have reassessed property for a few years now and when we start to do this every year he could not support that.

Commissioner VanLandingham said as he stated at the first meeting he had a great concern about increasing the taxes for several reasons. He commented September 11, 2001, brought us something and he doesn't think anyone knows where this will end up. He stated he read where there were more than 5,000 Delta workers alone in Fayette County and some of them could be affected. He added that while this would not be a great number of dollars per household, if you don't have a job that little bit of money matters. He said in this respect he could not support the motion. He said he had a hard time just because money was available,

you use it. He remarked he knew the staff had worked long and hard trying to bring future projects into focus. He said he thought they were all valid, but somehow he thought we could still accomplish those projects, and rollback the millage rate for the assessed value that we accumulated this year. He said he could not support a tax increase no matter how it came about and he didn't think because the money was available that we needed to spend it.

Commissioner Pfeifer stated he agreed with Commissioner VanLandingham's concerns in general, but again, going back to September 11 and looking at the points that the staff brought up such as the salary study for the Sheriff, the EMS Department, the increase in personnel when the new jail opened, and the rapid response unit for Fire and EMS. He stated all of these things fell into the area of Public Safety and it had always been his position that this was the number one priority of general government. He said any level was Public Safety. He said he wished the national government would set their budgets at the requirement as opposed to what they think they can afford to spend at that time and again for the same reasons of the events that just happened a couple of weeks ago. He said he wanted to make sure that we were not scrimping on public safety. He commented he would ordinarily agree with the Commissioners opposing any tax increase and he suggested that we start out our budget process for next year, taking into account that we want to achieve a millage rate rollback.

Commissioner Frady commented he would not support raising money this year for a jail next year, because the jail would not be finished until after the next cycle of budget terms. He said he made the motion to pay off the Administrative building long before we got into the budget process. He said it was 3.9 million dollars and because of arbitrage, we were not making enough interest, as was presented, to pay off the interest that we were having to pay. He said with better investments we might be able to do that too. He said he agreed with some of the things that had been said, and he always backed public safety, but we were paying off this building which was not public safety. He commented the county was raising three million in taxes this year over last year, and we are to take a 3.9 million-dollar debt and pay it off which will be part of that money. He added if you will take the reassessment side of that, which was a little more than 1.5 million dollars, we are raising taxes on the citizens to pay off a debt. He said this did not make sense to him. He stated previously he mentioned that he would hate to pay his house note off and then have to go borrow money to put a new roof on it. He said we need to take this into consideration as well.

Vice Chair Wells stated she wished to address the issue that seemed to have been intimated here, probably incorrectly, that we were out there just shoveling in money just because it was there. She commented the Board was not doing that, and to intimate otherwise was unfair to the Board as a whole. She echoed some of the things Commissioner Pfeifer said as far as public safety went. She said it was true that the jail probably will not be open and on line until September of next year, however, we were going to have to start hiring new employees. She

commented those employees will probably come on line in June or July, or perhaps even earlier than that. She said we were talking about sixty employees, salaries, equipment, guns, bullet proof vests and things of that nature, things that were going to cost a tremendous amount of money. She said, in addition, we have to think of the cost of M & O for such a facility. She remarked we did not know how much this was going to cost us just to maintain the jail on a daily basis.

Commissioner Wells said another issue that concerned her was the present capacity of the jail. She mentioned that we were currently farming out seventy-five prisoners to another locality so that we can keep our capacity at a manageable rate and every day it was a struggle. She remarked that we were paying money to farm these prisoners out, this money came out of the budget and we must be proactive in maintaining the safety and welfare, not only of our prisoners, but of the employees who have to work in a volatile situation daily. She stated in addition, the 911 system was going to be upgraded and would be come on line in the near future. She said the Board would be making major purchases in that arena starting the first of the year and we were still not aware of how much this was going to cost. She said the estimates were anywhere from seven to nine million dollars. She remarked this was not money you find lying around. She said another thing we had to look at for our citizens were groundwater runoff. She stated the federal government has said for a number of years that they were going to impose some type of guideline for us, for groundwater runoff. She said we may have to treat it to such an extent, by running it through systems, that would make it almost drinkable water again. She pointed out we were not exactly sure what constraints they were going to put on the county for that, we just know they are coming. She added this would be an unfunded mandate, it was something that we were going to have to pay for. Commissioner Wells stated the Governor had a great transportation plan and as part of the ARC, the county was responsible for helping pay for the roads in the northern part of Atlanta and once again, we have no choice on this. She said the Board had already seen that just the consulting fee for these types of things was astronomical and we did not know what our proportionate share was going to be. She said the Governor also has a Water Committee Authority that he created and, again, we were having to pay for consultant fees and we do not know what our proportionate share will be. She stated the list goes on and on and we are not amassing a fortune here for the sake of amassing a fortune. She commented what we were doing here was paying for the quality of life that Fayette County citizens want and deserve. She said we can only do this by having the money to do it. She one of the municipalities rolled back their millage rate, hoping to give their tax payers a break. She commented it was approximately \$25.00 a household. She said that was basically what the county's rollback would be if we adopt a rollback as proposed, but that municipality this year has come back and are now asking for a 23 percent increase. She stated it wasn't fair to the citizens to give back \$25.00 this year, and then come back and hit them with this type of increase. She said this was misleading and it was not something she thought the county should do. She commented she

was very much in favor of this Resolution. She further said it looks like we have a little bit of money but we do not know what was coming tomorrow and we have to be ready for whatever it will be. She said we have been prepared in the past, and her commitment was that we stay prepared in the future.

Commissioner Frady said he could certainly appreciate what Commissioner Wells was saying because he thought he used every one of the items she mentioned in his remarks at the first meeting. He said he mentioned that we didn't need to pay this building off because we didn't know what was going on and he still stood by that. He said regarding the jail portion of this where the prisoners were, we did get a surcharge from court costs for each prisoner that was sent to jail. He added that money was used to defray the expenses of the prisoners. He said prior to sending prisoners to Union City, we did have almost a million dollars in a fund and we did use that, otherwise, we would have to use money from our coffers and so will be people in the cities. He said we share that expense, with the cities, it was not all the county's expense even though this has not been worked out completely. He said he did agree, however, the county did have a lot on the table, we do not know what was going to come before us, and the economy was bad. He said we did not know what the turn down was going to be as far as the county's income and what standard we were going to maintain. He said this was one of his reasons for suggesting that this building not be paid off which he thought was reasonable. He said the county would not be penalized if we didn't pay it off this year or next year. He stated the county could pay the building off next year and have another year under our belt to see just how the economy was working, see what our plans were. He mentioned that the Commissioners planned on having a delayed retreat so maybe we will get our ducks in a row a little bit better for next year rather than this year. He said he could not support a reassessment.

Chairman Dunn commented concerning paying off the Administrative Complex building early. He stated the county had to pay 3.925 million dollars for this building, whether we do it this year or over the next six years. He said if we paid it off over the next six years, we have to pay an additional \$650,000 in interest, and we can totally avoid that \$650,000 payment with no penalty by paying off this building early. He remarked if we paid the building off early we would have three quarters of a million dollars, or thereabouts, less to budget for, for the next six years. He said this meant, without adjusting the millage rate, we will have three quarters of a million dollars to put into the M & O for the new jail and courthouse and some of the public things we have been talking about. He said he felt there were good points on both sides, but he had to lean on the side of approving the budget as it had been presented by the staff. He commented he would like to congratulate the staff for literally several months of very fine work. He said he appreciated it.

Commissioner Pfeifer stated he didn't think any of the Commissioners suggested this law but he thought it was a good law to have that we have to hold these discussions. He said it was a good idea for the Board to have to explain to the public what we were doing and why we were doing it. He said one of the reasons he felt fortunate to live in this county was that overall the fiscal management and planning for the future in this county was outstanding when you compared us to other counties in Georgia. He said that if you look at our bond rating, our per capita expenditures and our millage rate, we stack up well against everybody else. He stated as he commented before on things like jails and reservoirs, we look ahead and plan for the future, we don't try to do things the easy way here.

Commissioner VanLandingham said he did not want anyone to think that he was going to cut services in any way. He commented the life we have here in Fayette County was because its citizens have been so willing to pay the taxes. He said we need to stop and take a look. He also said he would take issue the money was already counted before the millage rate was brought out, it was already forecasted so we were counting on this money when we did the budget so he felt we need to look again at our process. He said he thought we should not have the tax increase and that was his position.

The motion carried 3-2 with Commissioners Frady and VanLandingham opposing.

A copy of Resolution No. 2001-12, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

OLD BUSINESS:

EMMANUEL LEWIS DISCUSSED FAYETTE COUNTY'S HOME OCCUPATION

REGULATIONS: Mr. Lewis stated he came here this evening to cover something he felt had been overlooked and something that he felt would be easier for people like him that have a business at home. He remarked he has a little home studio that he uses for his music recordings and as of now he was just getting started and putting things together but he was saying for the future when he turned his studio into a business, he tried to find out what he needed to do when he applied for a business license. He said he found out that one could not get anyone to work for the small business at home without them living there and he felt this was kind of strange to have a complete stranger come over and perform simple duties and they would have to live there to do that. He said this was somewhat of a no-brainer. He said perhaps early on, when this matter was put into law, the Board wanted to make sure that the residents didn't intrude on the resident next door so that we could all live happily ever after beside each other. He said he felt this rule could still stand but with some added provisions. He said if someone didn't have but two or three acres, to separate them in a home studio, this may intrude on a neighbor but he has fifteen acres and his neighbors were the neighborhood

deer. He commented no one hears his music other than a guest in his guest house for now and it will stay that way until it grows into something big and beautiful. He said right now he felt that the rule could be somehow adjusted for people who just want to do simple things. He said he wanted to hire an engineer to come there and do the technical work that he cannot. He said he did not want the engineer living with him to do that. He said he may have a producer who may want to lay a couple of tracks for him and he didn't want this person living with him either. He stated the current law was preventing him from doing this when all he wanted to do when the time came was to get a business license and be on the books. He commented he was sure there were others like him that might be doing it the way they wanted to do it as long as they didn't bother anybody, and keep it under the rug, but this was not what he was trying to do. He remarked he wanted to lay his cards on the table and say this was what he wanted to do. He said he has a lot of acreage to separate himself from his neighbors and he didn't have to infringe on their privacy. He said this was his proposal to amend the current ordinance for home occupation.

Commissioner Pfeifer questioned if Mr. Lewis was engaged in a home business and someone came to his business but was not an employee, did this fall under the ordinance?

Zoning Director Kathy Zeitler explained that it must be in a single-family, everyone living in the residence is related by blood or marriage, and it's a small family operated business. She added once the small business outgrows this where it was more than the family and they have employees, regardless of what type of business, it would need to be relocated to a commercial or industrial area, depending upon the type of business. She commented that a recording studio was something that should be located in commercial or industrial zoning.

Commissioner Wells stated the county did not have any requirements if you have X number of acres.

Mr. Lewis commented that as time changes things, we should change things as well. He stated to have a music studio would cost an astronomical amount of dollars to get a business studio to where the public came in and used it. He said his studio would not be for the public, it was only for him to get started. He said this was a new venture and he didn't know if there was a time line to get settled and on your feet. He said before he could say he was going to make some money on it, he had to know exactly how the mechanics were going to work out first before he made his move. He said he didn't understand and restated his desire for a studio.

Commissioner VanLandingham said in order to help Mr. Lewis understand in a clearer way, he checked on this request. He said it would be very difficult for the Board to write an ordinance for every business that someone wanted to conduct and that was exactly what the

Minutes

September 27, 2001

Page 15

Board would have to do. He stated if the Board wrote an ordinance for a recording studio, tomorrow we may ask to have something else and it would be very difficult to regulate that. He said this was why the ordinance we have was in place and it was not to penalize him, but it was to protect a neighborhood. He said he hoped Mr. Lewis did not feel singled out over this.

Mr. Lewis said he did not feel like he was being singled out. He asked whom he was harming if he had a small business with a certain amount of acres that buffered him from his neighbors. He said the Board needed to change the ordinance to say one could have two employees. He said he was not being specific here to make the ordinance change according to his business, he was talking about any small business and this was the over all point he wanted to make. He commented this was a business anybody could benefit from. He suggested changing the ordinance to allow no less than three to five acres for any small business with two employees. He requested the Board should make the change so that someone can work within the guidelines. He claimed right now it was either all or nothing. He said we should keep our rules but make the rules so somebody can work within the guidelines. He said we were going to have people going against the ordinance. He stated that he would not do this because he could eventually move where he could have it at home, but right now he needed it close to him to see what he was going to do before making his final decision. He asked the Board to set limits on what the small business person could do on his property.

Commissioner VanLandingham said he felt if the Board attempted to do what Mr. Lewis was suggesting, in a short period of time we would have someone running a trucking business out of their home and they would be parking their trucks at home and it might be his neighbor.

Mr. Lewis said he didn't know about that because most of his neighbors didn't have that much land. He asked the Board to see what it could do with his suggestions. He asked the Board to see what they could do with the ordinance so that people could work at home. He added that right now corporations were laying people off by the thousands and the people that they were hiring were the people that can work at home and still work for the company. He stated Microsoft has a lot of employees work at home on projects and basically all the information was e-mailed to them through SL lines. He said more people were working at home now because of computers, which no one foresaw ten years ago, and why not make it a little convenient and have guidelines so they can work at home. He said help him help us by working within the system.

Commissioner VanLandingham said he appreciated Mr. Lewis' attitude through all of this.

Chairman Dunn said many people in Mr. Lewis' position, and maybe this was a good lesson for some of the young people in the back of the room, you own a big piece of property and you

could have done this without even mentioning it probably. He said the lesson to be learned here was you were trying to stay within the law and you brought this forward to us and he felt the Board understood his dilemma, but the dilemma the Board had was one of trying to maintain residential neighborhoods as residential and commercial as commercial. He said the county has regulations which do allow for the individual to work at home with their computer and to send their work into a central location, but we have not come to grips with business with more than the family in the house. He said to open that door would be very difficult for the county. He commented if Mr. Lewis had some specific recommendations that he would like to send into the Board he would take a serious look at them.

Mr. Lewis said he did not know what else to recommend except to change the ordinance to allow two employees and change the amount of acreage. He said if the Board changed the ordinance to allow one employee, which would be helpful, but now the number was zero.

Chairman Dunn stated as soon as the Board would make a change to the ordinance, it would have hundreds of people trying to get around the changed ordinance and if the county said it was fifteen acres, then the people would want to come in and make it eight, and someone else would want to make it four and so on. He added that right now he didn't think that anyone was in a position to do anything about it right now. He said he heard what Mr. Lewis said tonight, and he would be talking to some people about it, but right now he did not see an immediate relief for Mr. Lewis' problem.

Mr. Lewis stated there were so many land ordinances now with information advising what you can and cannot have and he understood this. He said he was trying to build within the rules that were already in place and were being used. He said he would try to come up with some other ideas, but they would be the same exact ordinances and rules that were being used now. He said if he could work within the rules already in place to make something like he wanted more possible, then this was only what he was trying to put together.

Vice Chair Wells stated the Board would be glad to sit down and brainstorm with Mr. Lewis concerning his ideas. She said she was concerned about how the Board was going to control what he was selling from the property and then there would be traffic problems. She commented there would be all kinds of things that the Board would have to anticipate. She added the Board had been bitten many times trying to do something nice and in the long run we found that we created more problems than we solved for a lot of people around us. She said the Board tried really hard not to change an ordinance unless it had looked at all of the variables. She remarked the Board was not saying no, it was just saying it didn't know a better way of how to do it.

Mr. Lewis commented that this idea sounded better than no. He said if we could brainstorm on this matter and could figure out a way to work within the system because right now it seemed he was being forced not to work within the system and he would like to work within the system.

Chairman Dunn thanked Mr. Lewis for coming to the county with his problem and for being honest about it.

CONSENT AGENDA:

On motion made by Vice Chair Wells, seconded by Chairman Dunn to approve the Consent Agenda as presented. The motion carried 5-0.

FAYETTE COUNTY COUNCIL ON DOMESTIC VIOLENCE: Approval of request from Sharon Pierce of the Fayette County Council on Domestic Violence to use the Heritage Park Fountain area on Sunday, October 14th from 7:00 p.m. to 9:00 p.m. for a candlelight vigil.

APPROVAL OF WATER COMMITTEE RECOMMENDATIONS: (a) Mallett & Associates survey Lake Peachtree to determine the amount of silt that needs to be removed; and (b) that Mallett & Associates bid the project of replacing the water line as a pier crossing on Kenwood Road, at Morning Creek so when the bridge is replaced, the water line will not have to be moved.

ENGINEERING DEPARTMENT, BID AWARD TO LASHLEY TRACTOR SALES:

Approval of recommendation by Director of Engineering Ron Salmons to award bid to low bidder Lashley Tractor Sales in the amount of \$15,347 and that \$347 be transferred from Account 511-5953 (Closure/Post Closure Care) to Account 511-5750 (Road & Construction Equipment) to cover the short fall since only \$15,000 was budgeted. A copy of the bids, identified as "Attachment 5", follow these minutes and is made an official part hereof.

DEPARTMENT OF FIRE AND EMERGENCY SERVICES - NEW EQUIPMENT:

Approval of request from Director of Fire and Emergency Services Chief Jack Kraakeel to purchase five Bowflex XTL Units with weight rod upgrade to 310 Power Pro at a cost of \$1,298 each plus shipping of \$745 for a total of \$7,235.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on September 5, 2001, September 13, 2001, and Special Called meeting held on September 20, 2001.

Minutes

September 27, 2001

Page 18

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:

Commissioner Herb Frady: Commissioner Frady asked for discussion of funds for the improvements to the intersection of McDonough Road and County Line Road be put on the agenda for the Board's October 3, 2001 meeting.

Contract with South Fulton Municipal Regional Jail Authority extended: Attorney McNally spoke about the county's contract with South Fulton Municipal Regional Jail Authority for the keeping of prisoners. He said the county needed to notify the Authority if it was going to execute the second, sixth-month option that it has available. He recommended to the Board that it authorize the Chairman to request that we notify the Authority of the county's desire to exercise the second six-month option.

On motion made by Vice Chair Wells, seconded by Commissioner Frady to authorize the Chairman to notify the South Fulton Municipal Regional Jail Authority that the county will exercise its second, six-month option. The motion carried 5-0.

Chairman Dunn: Chairman Dunn stated with reference to the City of Fayetteville's response to the annexation of the Dixon property, that the City provided the county with information which changed some of the conditions. He said they have agreed to adjust the zoning and have also changed the language with reference to the protection of Gingercake Creek and Whitewater Creek. He said we owe them a response to keep the process intact and he recommended the Board accommodate the City of Fayetteville. He said he would like to move forward, to notify the City, and request them to put this in the agreement so that we can sign it and the City can move on.

On motion made by Chairman Dunn, seconded by Commissioner VanLandingham to communicate to the City of Fayetteville asking them to put these issues in their agreement with the county so that it can be signed and the city can move on. The motion carried 5-0.

Attorney McNally requested an Executive Session to discuss two items of real estate acquisition and five legal items.

EXECUTIVE SESSION: *On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to adjourn to Executive Session after a brief recess to discuss five legal items and two items of real estate. It was 8:10 p.m. The motion carried 5-0.*

REAL ESTATE ACQUISITION:

Attorney McNally briefed the Board concerning a matter of real estate.

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

REAL ESTATE:

Attorney McNally briefed the Board concerning a matter of real estate.

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

LEGAL:

Attorney McNally briefed the Board regarding a legal matter.

On motion made by Vice Chair Wells, seconded by Chairman Dunn to authorize the County Attorney to proceed in this matter. The motion carried 5-0.

LEGAL:

Attorney McNally briefed the Board regarding a legal matter.

On motion made by Vice Chair Wells, seconded by Chairman Dunn to authorize the County Attorney to respond concerning this matter. The motion carried 3-2 with Commissioners Frady and VanLandingham opposing.

LEGAL:

Attorney McNally briefed the Board concerning a legal issue.

There was no action taken by the Board.

LEGAL:

Attorney McNally discussed a legal matter with the Board.

It was the consensus of the Board to authorize the County Attorney to proceed in the matter.

LEGAL:

Attorney McNally briefed the Board regarding a legal matter.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: *On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to authorize Chairman Dunn to execute the Executive Session Affidavit affirming discussion of two real estate items and five legal items. 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, Chairman Dunn adjourned Executive Session at 9:45 p.m.

Linda Rizzotto, 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 25th day of October, 2001.

Linda Rizzotto, Chief Deputy Clerk