

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, August 23, 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
Karen Morley, Chief Deputy Clerk

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

PETITION NO. T-011-01:

Director of Zoning Kathy Zeitler read Petition No. T-011-01, Peachtree East Associates, %Watkins Retail Group, Owners, SprintCom, Inc./Matthew Donnelly, Agent, request to increase the height of the existing monopole tower by 10 feet from 150 feet to 160 feet. She said this property was located in Land Lot 69 of the 7th District, fronted S.R. 54 West and Broken Bow Drive and was zoned C-C. She said the Planning Commission recommended approval 5-0 and staff recommended approval.

Attorney Tom Anderson said he was with the firm of Holt, Ney, Zatcoff & Wasserman, 100 Galleria Parkway, Suite 600, Atlanta. He said Tim Conway with Sprint was also present. He said the request was for a ten foot height extension to an existing 150 feet monopole. He said they were required to come back before the Board because when the tower was first approved in 1998 it was administratively approved by staff. He said the height limit as to what staff could approve administratively was only 150 feet. He stated that anything over that height would require Board approval. He said they were proposing the height of the tower go to 160 feet. He said the tower was located on S.R. 54 behind the Peachtree East Shopping Center on the East hand side where the Publix was located just before entering Peachtree City. He said they had done a structural analysis on it which reflected that the tower could be used and extended 10 feet. He said they would attach the antennas and design them in the same fashion as the existing candelabra design. He said there were currently three other users providing wireless service and a fourth user with a microwave dish. He said Sprint would be an additional user on the top. He said Sprint needed the additional 10 feet to provide the coverage in that part of the county. He said they had received a favorable recommendation from the staff and a unanimous recommendation from the Planning Commission. He said by using the existing tower they would be making use of the Board's policy to use existing towers

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instead of asking for a new one in this same part of the county. He said he would be glad to answer any questions that the Board might have.

Chairman Dunn asked if anyone wished to speak in favor of the petition. Hearing none, he asked if anyone wished to speak in opposition. There were no comments in opposition.

On motion made by Commissioner Frady, seconded by Commissioner Wells to approve Petition No. T-011-01, discussion followed.

Commissioner VanLandingham asked if it had been determined at what height it could be placed in the analysis of the structure and the base of the tower.

Attorney Anderson said he did not believe that they had done an open ended analysis as to how high the tower could be extended. He said they had considered their specific request to go up to 160 feet. He said it was concluded that the tower and foundation could support that height extension. He said he did not know if they had assessed how high the tower could go. He said he did not believe that they were posed that question.

Chairman Dunn asked to see a map of the increased coverage area.

Attorney Anderson presented this map to the Board for their review.

Chairman Dunn said this would target areas that have poor reception. He felt this would be very helpful.

The motion carried 5-0.

ANNEXATION REQUEST BY THE CITY OF FAYETTEVILLE:

Chairman Dunn remarked that there was really nothing that the Board could do about the three annexation requests on the agenda tonight because of the law of Georgia. He said about all that could be done would be to have five independent discussions on these items. He said the first request was received from the City of Fayetteville. He said the request was made from John Wieland Homes to annex 36.1 acres adjacent Lakeside on Redwine in Land Lot 67 of the 5th District.

Commissioner Wells said the Board had received a request from the City of Fayetteville to annex 36.1 acres adjacent to Lakeside on Redwine. She said the Director of Zoning Kathy Zeitler had prepared a fairly extensive study on this request and she appreciate all of her work. She said the Chairman had suggested that the Board look at annexations as though they were rezonings. She said in essence they were rezonings. She said if the cities annex them then they could change the density although the county would have already had them legally zoned and a limit on sizes of lots and houses would have been established. She said often the

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cities did annex and this was just something that was handled administratively. She said tonight the Board had decided to look at these individually. She expressed concern with the request that the City of Fayetteville was proposing not necessarily the overall concept, although it would increase the density tremendously, but with the watershed protection. She said Fayetteville's watershed protection ordinance was not as strict as the county's ordinance and it was truly at the minimum that the State required. She said she had concern about that because this would allow the City to develop the homes right up to the 100 year flood elevation. She said this would affect at least ten lots. She felt the fact that citizens did not know this that the Board could not assume that buyer beware was an adequate response. She said she was also concerned with the fact that Gingercake Creek and Whitewater Creek were both major water supply streams and were in close proximity to the area. She said she was very concerned with the flood plain line for lots 6 and 16. She said she did agree with Ms. Zeitler's recommendation that the City of Fayetteville be requested to extend their watershed protection area to the same standards that the county would have if it was developing this area. She said this was a primary concern to her. She said she was also concerned that the annexation would also impact the schools and public service to a small extent. She said she was far more concerned with the watershed protection area. She said she definitely agreed with that recommendation.

Commissioner Pfeifer said he agreed with the staff's recommendations and he complimented Ms. Zeitler on an excellent job.

Commissioner VanLandingham said this annexation would allow the property to be a good deal closer to the watershed protection area than allowed if it remained in the county. He commented on the public service issue. He said there would be a revenue loss on the fire impact fees. He said it was anticipated that the county would respond to 75% of the total calls, he felt something needed to be worked out with the City. He said the recommendation there should be offered to the City.

Chairman Dunn asked Commissioner VanLandingham if he wanted the City to reimburse the county for impact fees.

Commissioner VanLandingham responded if the county was going to respond to the City's calls then the county should ask for it.

Commissioner Frady said he did not know if the county could do this. He said the City would be furnishing its own fire protection and that was what the county was collecting impact fees for. He felt Attorney McNally should provide clarification on that. He said the county was servicing the City now with ambulance service but not with fire unless called.

Attorney McNally replied yes that was correct. He said he understood that 75% of the calls would be emergency medical. He said Commissioner Frady's statement was correct about the fire impact fees.

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Chairman Dunn said the county's impact fees did not have anything to do with the EMS calls only fire. He said if the property remained in the county and if it was developed then the county would receive impact fees. He said if the property was annexed by the City the county would not receive any impact fees for the development that occurs there even though the county had automatic aid with the City and the county would respond to their fires as well. He asked if there was any ability on the part of the county to recover fees when an annexation takes place.

Attorney McNally replied no.

Chairman Dunn said this was the reason he wanted to discuss these requests. He said he gets a lot of calls from citizens who ask why the Board was putting in so many houses. He said he tells them that the county did not put the houses there but the City annexed the property and they put them there. He said the problem he had with this piece of land was that if it was annexed it would be developed at a much greater level than it would be if it had stayed in the county. He said it was currently zoned as five acre lots and the City was asking the property to be brought into the City and develop it as half acre lots. He said there would be an enormous difference in potential growth. He said the land use plan stated one or two acres. He said even at the smallest development level that the property would be developed at in the county in the future would be one acre lots. He said this was still double that amount. He said he had a huge problem with that. He said this was also a stride and would become for all intense and purposes part of Lakeside on Redwine. He said Lakeside on Redwine was zoned currently as R-30. He said the property in question was closer to the county and the City wanted to make it more dense than the part of the City that already existed there. He felt there should be step downs to the county as far as density rather than increases as it moves toward the county. He said he had some bonafide problems with this request. He said he did not feel that any of the problems that he had were things that the City could not adjust which would eventually get him to support this. He said his two major concerns were that it was too dense and there could be a potential danger to the water source in the county as well as the citizens. He said the county had initiated county wide protections for its watersheds much greater than the City. He said this watershed would now be right astride the City.

Commissioner Frady interjected that staff believed the property should be annexed. He asked how far the county could go with density as opposing an annexation in the interpretation of the agreement.

Commissioner Wells responded that as long as the City was providing sewer and infrastructure she felt the county could not bonafidedly object to that.

Commissioner Frady said he did not mind objecting to this if need be but he did not think the Board could do this by the agreement.

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Chairman Dunn interjected that this would impact the zoning in the county around it. He felt one of the things the county needed to ask the City to do was to develop it a little closer to the zoning that it currently had.

Commissioner Frady said he would be glad to make a recommendation that the City do just that. He said as far as trying to arbitrate that he did not think the county could.

Commissioner Wells agreed that the Board should make that as a recommendation. She said it was secondary to what she felt about the watershed. She felt it was also important that the Board enunciate and delineate the increase in the calls that the county would be answering as far as emergency medical calls. She felt this was something that the county needed to start keeping tabs on because next year there would be discussions on the tax equity issue and what services the county would provide to the cities. She felt it was time for the county to start delineating these services that the county was providing. She said this was a prime example of the cities increasing density and increasing a number of requirements and the county stepping up and providing them.

Commissioner Frady felt this was a five year contract running to 2004. He said there was nothing that said that the county could not try to encourage the City to do better on their lot sizes as stepping into the county. He asked if the City had a buffer before the watershed protection area.

Commissioner Wells responded that the City went from the banks of the creek and the county goes 50 feet further than that. She said they were meeting the State's minimums but Fayette County had increased that buffer by 50 feet. She said this would actually affect ten of the lots that they were proposing. She said they could be developed in the 100 year flood plain.

Commissioner Frady clarified that the City had a 50 feet buffer and asked if the City had a setback further than that.

Commissioner Wells replied that the City had a 100 feet from the 100 year flood plain.

Chairman Dunn asked Ms. Zeitler if the City of Fayetteville had a buffer outside the watershed.

Ms. Zeitler replied no.

Chairman Dunn remarked that the county had a watershed as well as a buffer and a 50 foot setback in addition to the buffer. He said the county did not have any of these.

Ms. Zeitler replied that the City just requires 100 feet from the bank of the stream. She said the county required a 100 foot buffer plus a 50 foot setback from the 100 year flood elevation

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line or 200 feet from the stream bank whichever was the greater of the two. She said usually this was measured from the 100 year flood elevation.

Chairman Dunn said the county had taken steps to preserve the streams beyond the minimums required by State law and the City had not. He said the Board could send the City its concerns and then they could address them. He said if the City could not address them then the Board could arbitrate if it had to.

Commissioner Frady asked if the Board could recommend that the City set back further or could the Board hold out to go to arbitration.

Chairman Dunn said if the Board had concerns then it would need to send those concerns to the City and give them twenty days to respond to them.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to respond to the request by the City of Fayetteville with Staff's recommendations to address issues 1, 2, 3, 4, 5 and 6, discussion followed.

Commissioner Pfeifer questioned having number 4 included.

Commissioner VanLandingham felt number 4 should be taken out.

Commissioner Wells felt number 4 was a recommendation and the City could respond.

Commissioner Frady said he did not want to send the City something that they could not do.

Commissioner Wells said the Board was not really asking the City to do anything. She said the Board was just merely asking the City to acknowledge it. She said this was just a recommendation and that was all. She said the Board was not really asking the City to do anything other than to merely acknowledge it. She said it was simply stating that there was a cost to the county but it was not asking for anything in return.

Commissioner Frady felt if the Board was asking the City to do the other things such as set backs and nothing could be done then it should have number 4 included.

Commissioner VanLandingham felt this issue would come in when the county renegotiated tax equity.

Commissioner Pfeifer suggested this be addressed through a wording change. He said 1, 2, 3, 5 and 6 were all asking the City to require the developer for the applicant. He said the county was not requiring the City to do anything except on number 4.

Commissioner Wells said she would withdraw her motion.

Chairman Dunn asked for clarification on number 5. He said number 5 was requiring the developer to contact the Board of Education. He said this had nothing to do with the City. Commissioner Wells said the Board was just asking the City to do these things that they should do and are probably doing anyway.

Commissioner Frady felt the figure for 1.5 children per household was not correct. He said there were 33,000 houses in this county and 20,000 students and that brings it to .6 per house.

Chairman Dunn remarked that single family homes and apartments were all different. He said this was a single family development.

Commissioner Wells said she would like to make a motion to have the City of Fayetteville address issues 1, 2, 3, 5 and 6.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to respond to the request by the City of Fayetteville with Staff's recommendations to address issues 1, 2, 3, 5 and 6. The motion carried 5-0.

ANNEXATION REQUEST BY THE CITY OF PEACHTREE CITY:

Commissioner Wells remarked that the next request was from the City of Peachtree City and a request from John Wieland Homes to annex 80.65 acres on the west side of the City near MacDuff Parkway in Land Lot 164 of the 7th District.

Commissioner Frady interjected that he hoped this was the last annexation request from the City of Peachtree City. He said as a citizen living there he wanted to see them stop. He said Peachtree City was a planned community from the land that was already there. He said he understood that this was a bad situation and that annexation was probably the best thing to do for it. He said he did not mind going with this one but he would oppose anymore requests that might come up.

Commissioner Wells said she did not have a particular problem with this annexation either. She said this was a peninsula and three sides of it were already surrounded by the City. She said there were problems with providing the public safety concerns for the citizens there. She said her biggest concern was that the City was planning on developing it four units per acre. She said the density would be tremendously increased but she felt the tradeoffs for that small slice of the county would probably be worth it in the long run.

Commissioner Frady interjected that it would have sewer and that was a plus. He said he had spoken to some of the council members over there a few months ago and he thought they were going to recommend one acre lots. He said he did not know how it had come out otherwise.

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Chairman Dunn said this was the piece of property that the county rezoned for Wieland very recently. He said the Board had given Mr. Wieland exactly what he had asked for. He said Mr. Wieland had asked for two acre lots and the Board gave him two acre lots. He said this was one large piece of property with 82 acres in the county and 100 acres were in the City. He said the City put 336 houses on their 100 acres and the county put 14 houses on 82 acres. He said now the City wanted to annex the 82 acres into the City and change zoning to four houses per acre. He said the City was saying that they were now planning to increase the total number of houses. He remarked that the project was 336 houses in the City and 14 houses in the county for a total of 350 houses. He said the developer was claiming at this point that he did not want to build anymore than that. He said they just want to redo the entire 180 acres and spread it out a little bit. He said he did not know if there was any guarantee here and it might end up with 4 acre zoning on this 82 acre piece of property. He said the other problem he had was the county had twenty acres there that Mr. Wieland had asked to be set aside for a school. He said the county had approved that as well. He said the School Board at this point in time did not know if it would every build and develop a school there. He felt there needed to be some sort of reassurance here that if a school was not built there that 60 more houses would not end up on that twenty acres. He said this was surrounded by the City on three sides and the county could not get to it very easily right now. He pointed out that the problem was traffic and Peachtree City had the same problem in accessing this piece of property. He said the City could respond much quicker than the county because it was much closer than the county was.

Chairman Dunn further remarked that one of the problems was that Peachtree City would not enter into an automatic aid agreement. He said this would mean that the closest unit would go to the emergency. He said he did not object to this annexation and felt it was probably the most logical one the county would ever look at. He felt the county should ask Peachtree City for some sort of assurance that this development would not end up with four houses per acre on those 82 acres.

Commissioner Wells felt Peachtree City was very clear that four houses per acre was their intent.

Chairman Dunn pointed out that the zoning very clearly would allow for this. He said there could end up being a couple hundred more houses in there.

Commissioner Frady felt this was the only thing to do.

Commissioner VanLandingham questioned what had happened to the twenty acres that was promised for the school. He said he recalled the School Board stating that they would probably never build there because of the limited access in there. He asked if the twenty acres was included in this for development or had it been set aside for the City.

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Commissioner Pfeifer remarked that the map indicated that the twenty acres had been set aside.

Commissioner VanLandingham remarked that it was not in the proposal to annex.

Chairman Dunn said he would like to see a commitment from the City that if the School Board would not build a school at that location that the City would at least leave the twenty acres in green space. He said he did not appreciate the developer coming in and making the Board a precursor to an annexation action. He said they come in asking to be rezoned, the Board gave them what they wanted and then they turn around and ask to be annexed into the City. He felt they should have been more candid with the Board at first.

Commissioner Frady asked how much they had asked for when they came before the Board.

Chairman Dunn replied they had asked for two acres and twenty acres for the school. He said he had seen what the newspapers say and that was that they did not plan to develop the subdivision anymore dense than the 350 houses on the 182 acres. He certainly would allow them to if they rezoned the property to get an awful lot more density in there. He said he would like to get some kind of reassurance from Peachtree City that their intention was to hold them to those numbers and not develop that school area if the school did not put a school there. He pointed out that this part of the county had heavy traffic and the density was incredible in there.

Mrs. Zeitler remarked that it was a condition of zoning that the City Council put on the property that it be limited to 350 total houses for the subdivision.

Commissioner Wells asked if this was prior to the annexation.

Mrs. Zeitler responded that it was prior to the annexation when the City rezoned the portion that was currently in Peachtree City. She said Wieland showed the entire subdivision as city and county portion to the City when they went through the rezoning for the City portion. She said the City conditioned Wieland to a total of 350 units for the entire subdivision including the county portion. She said this was a condition of zoning that limits. She said of course that could change if it was annexed. She said they could do away with that condition altogether.

Commissioner VanLandingham felt it would be logical for the Board to ask them to stand behind the condition that had been placed on it already.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve the annexation request and for Peachtree City to either develop the twenty acres set aside for a school or retain it as greenspace, discussion followed.

Chairman Dunn asked if the Board wanted to get any reassurance that there would not be any more than 350 houses on this entire piece of property. He said this condition might not be in there because the City did not own the land at the time.

Commissioner Pfeifer replied that was a condition for the City making this request.

Chairman Dunn said that was not what Mrs. Zeitler had said.

Mrs. Zeitler stated no and remarked when the applicant went in with the Centennial Subdivision plans to Peachtree City they showed them that they were going to put in a certain number of houses in the City part and the 14 homes in the County portion was also going to be included within that subdivision. She said the Peachtree City Council conditioned their zoning to a maximum of 350 houses for both the County and the City portions.

Chairman Dunn said the City could say that but now they were going to have a piece of property zoned for four houses per acre that they did not have before.

Commissioner Pfeifer felt that was a political issue for the citizens of Peachtree City. He felt the citizens of Peachtree City would have something to say about that.

Commissioner Wells felt the county was on the safest ground if the county asks the City to keep the twenty acres in greenspace. She said there was an incentive countywide because the county had told the State it would strive to meet the 20% set aside for greenspace. She felt the county was on much better ground to do that and leave the interworkings of the City to their decisions. She said the county would not want it to be more dense but that would be the City's decision.

The motion carried 4-1 with Commissioner VanLandingham voting in opposition.

ANNEXATION REQUEST BY THE TOWN OF TYRONE:

Commissioner Wells remarked that the Town of Tyrone was requesting to annex 32.41 acres on Trickum Creek Road in Land Lot 148 of the 7th District. She said the Town was acting as a conduit for a citizen who was requesting this annexation. She said she had a tremendous problem with this request. She said she would like to send it back to Tyrone because the Board had insufficient information at this point in time to make any kind of commitment. She said the Board had only been told that someone wanted to annex this and do something but they were not exactly sure what they wanted to do. She said the Town was unable to provide the county with the applicant's proposed use of this site and that there had been no proposal submitted by the property owner. She felt there were a lot of issues here that the Board needed to be concerned about. She said one of these was Trickum Creek Road being an unimproved dirt road with no right-of-way. She said the county would be responsible for maintaining it even though it was within the Tyrone City limits. She said the other issue was

that there were no water lines down Trickum Creek Road and the existing lines on Palmetto Road were inadequate for the subdivision at this point in time. She said until she received more information on what was being proposed she did not feel the Board could do anything. She suggested that the Board ask Tyrone to pass on this request until they had more definitive information.

Commissioner Frady felt they were going to recommend A-R which would be three acres. He said there could also be commercial in there such as child care centers and so forth.

Chairman Dunn remarked that it stated Tyrone would zone the land A-R if they annexed it. He said the letter was signed by the City Manager. He said he did not know if the City Manager had consulted with all of the members of the Board and the Mayor.

Commissioner Wells said Tyrone could assign the property A-R but if the property owner had something else in mind he could petition it for a rezoning. She said she was very uncomfortable with having absolutely no clue as to what was going to be done with the thirty two acres. She said the county would be the one to maintain the road and provide the water for it.

Commissioner Frady remarked that the recommendation from staff was to get a 40 foot right-of-way. He said if they were planning on building there they would certainly need a road to go in.

Commissioner Pfeifer interjected that he was having trouble even considering this a valid proposal. He said in the first section it stated that prior to validation the City would notify the county of the proposed land use or zoning classification of the property upon annexation. He said that was not listed in this application. He said he did not want to vote on this because this was not a valid application.

Commissioner Frady said the property owner had not said what he wanted to do with the property. He said the property owner could not do more than the A-R.

Commissioner Wells remarked if the petitioner were to come in with a proposal and the Town has annexed it then they could rezone it to anything that they wanted to. She said until the Board knew what this proposal was for it could not vote on it.

Commissioner Frady said the Board needed more information.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to respond to the Town of Tyrone that the annexation application was incomplete and would not be considered and until such time as this information was received the county would object to any annexation request to this property, discussion followed.

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Chairman Dunn asked the County Attorney if the Board told Tyrone that it would not consider it was the clock still running or was it stopped.

Attorney McNally said the Board would have to let Tyrone know that the Board was rejecting this due to insufficient information.

Chairman Dunn said the way the agreement reads was that if the Board did not show its concerns within twenty days then they do it. He said the Board could not show Tyrone its concerns because it did not know what they wanted.

Commissioner Wells said the Board considered this an invalid application and would therefore take no action until it received a complete application.

Chairman Dunn said the staff had called the Town of Tyrone and asked them what the use for the property was and Tyrone replied that they just did not know what they wanted to do with it. He said he was amazed that anyone would send this to the county when they had no idea what the property owner wanted.

The motion carried 5-0.

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

FAYETTE BALLET - SIGN REQUEST: Approval of request from Beverly Williamson of the Fayette Ballet to place a sign on the old courthouse lawn from December 8 - 17, 2001 to advertise the Nutcracker.

VULCAN SIGNS - AWARDED BID: Approval of recommendation by Finance Director Mark Pullium to approve request by Public Works Director Lee Hearn to approve Vulcan Signs as the low bidder for road sign metal in the amount of \$8,120.55.

SOUTHSIDE MOTHERS OF TWIN CLUB - SIGN REQUEST: Approval of request from Southside Mothers of Twin Club to place a sign on the old Courthouse lawn from October 8th through October 13th, 2001 to advertise a consignment sale on October 13th at the Kiwanis Fairgrounds on Goza Road.

MEDICAL DIRECTOR'S CONTRACT APPROVED - DEPARTMENT OF FIRE AND EMERGENCY SERVICES: Approval of request from Chief Jack Krakeel of the Department of Fire and Emergency Services for Board approval of the Medical

Director's contract in the amount of \$18,000. Funding was approved during the budget process. A copy of the contract, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

STOWERS-LILLAGORE CONSTRUCTION EQUIPMENT COMPANY - AWARDED

BID: Approval of recommendation from Director of Public Works Lee Hearn to award bid to low bidder Stowers-Lillagore Construction Equipment Company in the amount of \$8,165 for a Warren Model AC2420A spreader.

YANCEY BROTHERS COMPANY - AWARDED BID: Approval of recommendation from Director of Public Works Lee Hearn to award bid to low bidder Yancey Brothers Company in the amount of \$73,836 for a Track Dozer.

TOWN OF BROOKS - PERMISSION GRANTED TO CONDUCT GENERAL ELECTION:

Approval of request from the Town of Brooks requesting permission to conduct a general election on November 6th, 2001 to fill Post Numbers 1 and 2, Town Council and the Office of Mayor; the Town will pay for all expenses of the election. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

SOUTHERN BICYCLE LEAGUE - WILSON 100 BIKE RIDE - MCCURRY PARK:

Approval of request from Director of Recreation Mary Alice Lawrence for the Southern Bicycle League to facilitate the Wilson 100 Bike Ride out of McCurry Park Softball Complex on Sunday, September 9, 2001 from 6:30 a.m. to 6:00 p.m. and also to waive the reservation fee.

BLUE CHIP AIR, INC. - AWARDED BID: Approval of recommendation by Purchasing Director Tim Jones to award bid to low bidder Blue Chip Air, Inc. in the amount of \$8,393 for replacement of three HVAC units for the Administrative Complex.

GROUP VI - AWARDED BID: Approval of recommendation from Chief Jack Krakeel of Fire and Emergency Services to approve Group VI as the low bidder in the amount of \$5,665 for modification to Station 2 for metal to close in two overhead door openings. This was approved in the 2001 budget.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on August 9, 2001.

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.

CHUCK DAVENPORT: Chuck Davenport, 223 Rivers Road, Fayette County expressed concern over the cities' annexations. He said over the last ten to twenty years maybe a 1,000 to 2,000 acres of Fayette County had been annexed into the cities. He said the problem was that this Board had done too good a job in letting the developers know that they were not going to get what they wanted from this Board and they simply go to the cities, get the land and develop it anyway. He said he knew the Board did not have a great deal of power to do something about this. He felt something needed to be done about this because the county would lose its tax base. He said the traffic also becomes bad and schools could not be built fast enough. He said he just wanted the Board to know that the citizens were concerned with this.

Commissioner Frady interjected that he had served on a committee consisting of members from the ACCG and the GMA. He said the committee had met several times but never passed anything. He stated the cities would not abandon their rights under the constitution to give in to anything that would change the way they could do business now. He said the Board really did not have much hope except to go through this arbitration and hope that some changes might be made in what goes on. He said the Board could not stop annexation but it could try and make some changes.

Chairman Dunn said the only thing the Board could do now was to make this process public. He said the county had an annexation dispute resolution that was passed under House Bill 489 but there had never been any public discussion of it. He said it was his intention that every time the county received an annexation that it be made public so at least the people in the county understand what was happening and why. He said the county was becoming more dense but the housing starts in the unincorporated county were down. He said when the developers did not get what they wanted from the county they shop elsewhere and they seemed to be successful.

Commissioner Frady said these annexation requests were advertised in the newspapers.

STAFF REPORTS:

UPDATE ON THE METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT:

Chairman Dunn stated he was the county's representative on this board. He said the State law stated that the Governor would put in \$1 million per year for two years for the operation of this board and the participating 16 counties would come up with the rest of the budget but not less than \$1 million. He said the original budget proposal was for \$5,645,000 in the first year.

Commissioner Wells interjected that this was simply to hire consultants and not to do any work and Chairman Dunn agreed.

Chairman Dunn said the consultants would do four major plans. He said this was the original proposal. He said the county's share of the proposal originally was to be \$106,655 for the first

year of operation. He said several counties vehemently opposed this and among the most vehement were Cobb County, Douglas County, Fayette County and Coweta County. He pointed out that Coweta was not a member of the A.R.C. but was a member of this Water Board. He said the counties had objected to the Governor forming this Board, gave the counties \$1 million and told the counties they would need to raise at least \$1 million and then the State came up with a budget of \$5.6 million. He said this would leave \$4.6 for the counties to raise. He said the counties suggested that this be done on at least a 50/50 basis with the Governor. He said that suggestion was not accepted. He said the counties discovered that they could get some grants and so forth and the bill was reduced for the counties to \$3.9 million. He said it was to be based on a \$1.00 citizen in each county. He said yesterday there was a special called meeting and at one point the counties discussed whether or not they would simply not spend anymore money. He said that did not pass and he personally did not feel that would be wise. He said yesterday the Board finally agreed to cut the expenditures down another \$800,000. He said Fayette County's share based on 80¢ per person rather than \$1.00. He said the county's fair share would now be \$73,000. He said this had started out at almost \$107,000. He said this document before the Board was to request this Board to approve the \$73,010 as Fayette County's dues in the Metropolitan North Georgia Water Planning District for 2002.

On motion made by Chairman Dunn, seconded by Commissioner Wells to approve \$73,010 as Fayette County's dues in the Metropolitan North Georgia Water Planning District for 2002, discussion followed.

Commissioner Wells said this was another unfunded mandate once again of Fayette County's tax dollars. She said if Fayette County did not play, it would get sent down the river. She said she despised doing this but Fayette County had to go along with it.

Commissioner VanLandingham pointed out that this amount was based on the 2000 census.

Chairman Dunn responded that new data for the A.R.C. was just approved and Fayette County was listed as having 94,500 citizens. He said he had voted for the 2000 census figures because it would be cheaper. He said they were willing to use the 2000 census figure and it would save Fayette County some money.

Commissioner Frady remarked that Fayette County had always work hard and planned hard and provided its own water. He said Fayette County had done that diligently. He said at this time Fayette County was trying to get a 404 permit and he could guarantee if Fayette County did not participate in this, it would not get the permit. He felt this was a ridiculous thing for the Governor to do and he could not understand it. He said he resented this wholeheartedly but reluctantly knew the county would have to pay this.

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Commissioner Wells interjected that this was part of the regional concept that the State had created that makes Fayette County responsible for other people regardless of the fact that Fayette County had been diligent and good stewards.

Chairman Dunn said there was nobody on this Board challenged the fact that water was the most precious resource that would have to be dealt with in the next twenty or thirty years in the State of Georgia. He said nobody would want to do anything that would waste water or do anything that would damage the environment. He said Fayette County in its history had shown that it was a very good steward of the environment and also had just about the best performing water system in the State. He said Fayette County citizens had bought and paid for three reservoirs and was working on a fourth. He said the citizens have also bought and paid for a waste water treatment plant that was absolute state of the art. He said Fayette County had made changes in the regulations on protecting the wetlands and watersheds. He said Fayette County had also made changes in the amount of impervious surface that it would have. He said Fayette County had done many, many things way ahead of the rest of the State of Georgia. He said the fact remained that a lot still needed to be done. He remarked that Fayette County could not get out of this deal even if it wanted to. He said there were several counties with the same situation as Fayette County and they were Douglas County, Cobb County and Gwinnett County. He said part of his role on the water board was to protect the taxpayers' investment. He said Fayette County had the best that there was and it had to keep it. He said this was the price Fayette County would have to pay.

Chairman Dunn further remarked that what he was about to say had been eluded to in the Atlanta Journal and Constitution newspaper today that all of the elected representatives on this water board yesterday were threatened by State employee that if the members of the water board did not do the right thing that their withdrawal and discharge permits were in jeopardy. He said as annoyed at the guy who had delivered this message and the water board ending up in quite a debate, when you read the Senate Bill the guy was reiterating what the Governor had said in the Senate Bill. He said if the counties did not play, then the State would play with the counties' permits. He said all of the cities were participating in this and they had done everything that they had been asked to do. He said Fayette County had people representing it on technical committees and about eight representatives who had joined the Flint River Advisory Commissioner. He said Fayette County was doing absolutely everything that it could and had positioned really good people to help. He said one of the main things in addition to having good water was to protect the investment that the taxpayers had already made. He said Fayette County did not need to be threatened to do its job and he had taken great exception to that yesterday. He said the final vote for 80¢ per person came after quite a battle yesterday. He said this was the best that could be done and next year the battle would have to be fought again.

Chairman Dunn said the only problem that he had with this entire issue was that the Bill did not address, after the plans were finished and gave birth to projects, was who and how these

projects were going to be paid for. He said some of the sixteen counties have no reservoirs and some have dilapidated water treatment plants. He felt this was going to be a long term struggle that Fayette County was going to be in and that was to be good planning partners on one hand, to protect its investment on another and to save the taxpayers from having to pay for those counties who have not done their job in the last ten to twenty years. He asked for everyone's assistance on that issue. He said Fayette County was not alone in this battle and many of its sister counties felt the same way. He stated the only reason the dues were reduced for Fayette County from \$107,000 to \$73,000 was because there was a coalition of counties that refused to pay the extravagant bills that were put on the committee the first day. He felt the water board was going to be very active but remarked the big stick was not in its hands. He said voting to pay the dues and sending them in would be the first show that Fayette County wanted to be a good planning partner. He said he appreciated the Board's consideration in this request.

The motion carried 5-0.

FAYETTE COUNTY'S DUES FOR THE ATLANTA REGIONAL COMMISSION:

Commissioner Frady questioned the A.R.C. increasing Fayette County's population up to 94,500 citizens thereby increasing Fayette County's dues. He remarked that Peachtree City over the last several months had given permits for approximately 700 apartments and homes to be built. He said if the A.R.C. was picking up on those permits as people then that was not correct. He felt the census figures should be used for a while until a conclusion was drawn. He commented that the A.R.C. was raising Fayette County's dues approximately every four months.

Commissioner Wells said the A.R.C. was saying that there were 95,000 citizens in Fayette County last year before the census was done.

Commissioner VanLandingham interjected that he was not in favor of paying the A.R.C. anything over the 2000 census.

Chairman Dunn remarked that the A.R.C. had taken a 3% and applied it to the whole region because that was the growth rate over the last decade. He said in a vote at the A.R.C. yesterday to increase the population statistics for next year were 13-2 or 3.

Commissioner Frady asked Chairman Dunn how he had voted and Chairman Dunn replied that he always voted no on everything that cost the county a penny.

Chairman Dunn said they do not really pay much attention to your vote when you are in that small of a minority. He said the vote passed and it was now something that Fayette County was obliged to do.

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HAPPY BIRTHDAY LEE HEARN: Commissioner Wells asked Public Works Director Lee Hearn to come to the podium. She announced that Mr. Hearn had a birthday this week and she asked him how old he was and Mr. Hearn replied that he was 46.

The Board wished him happy birthday.

Commissioner VanLandingham remarked that there was a group of boys that he runs around with called the "Muddogs".

Mr. Hearn replied that was correct and said the "Muddogs" had won the AABC 9-10 year olds State Championship representing Fayette County during the summer. He said he would get the team in one evening when they were not practicing.

Chairman Dunn said the Board had discussed recognizing this team at a Commission meeting. He said this was quite an achievement. He said Mr. Hearn's son was a member of that team and congratulations go to him.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 8:30 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 5th day of September, 2001.

Karen Morley, Chief Deputy Clerk