

Chronology
Hughley Road Property, Zebulon, GA

DATE	ACTION
1999	
8/20/99	Annexation application prepared
8/24/99	Letter from Capitol Land and Investments to City requesting annexation via 100% rule
10/14/99	Letter from City to Pike County notifying of planned annexation.
11/3/99	Letter from Ben Turnipseed, City Engineer, to Kathleen Birney confirming sufficient capacity to serve an 1100 unit development submitted by Capitol Land and Investments, Inc. at the same location as subject project.
11/4/99	Letter from Pike County to City (Kathleen Birney) objecting to annexation.
11/15/99	Letter from Capitol Land to City revising annexation request to less property.
11/22/99	Letter from City to Pike County addressing objection and reducing size of property to be annexed.
2000	
1/8/00	City passes resolution to annex property effective 3/31/00.
1/25/00	Large portion of subject property annexed into city limits at PRD zoning designation.
	Subject property zoned "Planned Residential Development" (PRD) under Section 504 allowing mixed residential uses with an allowed developmental density of up to 8 units/acre.
3/31/00	Property officially annexed.
2001	
12/12/01	Turnipseed prepared report for City on providing sewer to south side of the City.
2002	
12/31/02	Brent Pike, LLC (predecessor in title) submitted proposed developmental plan for approval under PRD zoning classification.
2003	
1/21/03	Planning Commission approves site plan, but then retracted approval.
2/11/03	Memo from Mayor and Council recommending denial of plan.
3/18/03	Site plan on PC Agenda – postponed until 3/24/03
3/24/03	PC Hearing with no minutes.
6/26/03	Scheduling problems for workshop.
7/9/03	Workshop request refused.
7/14/03	Workshop request refused.
8/21/03	City finally agreed to review development plan after Brent Pike, LLC directed to provide narrative detailing proposal of development.
9/2003	Paragon (Courtney) discussed project with Turnipseed's office.
10/2003	Narrative submitted to City for review.
12/11/03	Proposed development plan placed on agenda for City's Planning Commission; no action taken – request for hearing again delayed.
2004	
1/13/04	At Pruitt's insistence, proposed development plan placed on agenda for City's Planning Commission; no action taken.
2/10/04	Report from Stevenson Palmer Engineers to Bobby Blalock on sewer extension and capacity in Southern Mills area.
	Brent Scarborough acquired a property interest in development of property and became actively involved in securing approval of development plan.
	City meets to revise text of PRD zoning district eliminating all residential uses other than single family dwellings and requiring development of each dwelling on a tract size of at least

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	one (1) acre in size.
5/6/04	Proposed developmental plan placed on agenda for City's Planning Commission; no action taken.
5/18/04	Letter from Scarborough to Blalock objecting to new PRD regulations.
5/19/04	Zavada, Seabolt and Black meet with Mayor to discuss project; he wants a City sewer line replaced and is worried about the density.
5/28/04	Objections via letter to application of PRD text amendment to subject property contending that the reduction in development density allowed thereon constituted a "taking" of said property.
6/3/04	City considers text amendment.
6/8/04	City adopted revised text of PRD zoning district eliminating all residential uses other than single family dwellings and requiring development of each dwelling on a tract size of at least one (1) acre in size.
6/9/04	Project was tabled.
6/17/04	Letter to Blalock objecting to text amendment and asking whether it is retroactive; noted development plan was submitted "more than 18 months ago".
7/2/04	City (through counsel, Rob Morton) concurred that proposed development on subject property would be governed by the prior text and provisions of the PRD zoning district.
7/28/04	Letter from Scarborough to City (Cartwright) requesting delay of hearing to next meeting.
7/29/04	P/Z meeting. Discussed water and sewer specifications.
9/2/04	Southern Mills on Development Authority Agenda.
9/9/04	Project on Building and Zoning Agenda.
9/14/04	City of Zebulon approves concept development plan for approximately 267.73 acres of property owned by Brent Pike, LLC. In accordance with the development criteria in prior PRD text imposing 7 conditions on approval which include <i>inter alia</i> (2) the determination, designation and agreement by the Mayor and City Council regarding the provision of sewer service to proposed development and (3) the submission and approval of any required site plans, preliminary and final, that shall be submitted in accordance with the provisions and requirements of the City's ordinance prior to the revisions of June, 2004, including Section 504.11.
9/23/04	Letter to City's counsel, Rob Morton, confirming the approval of the site plan with text of conditions outlined therein.
11/3/04	City conducts workshop to discuss the means by which sanitary sewer would be provided to the development.
11/5/04	City requires written proposal for sewer service (see letter dated 11/5/04).
	Brent Scarborough transfers title to the tracts comprising the subject property to Brent Pike, LLC, a successor in interest to development rights previously established and approved by City.
	Scarborough instructs Donna Black to coordinate as liaison to City.
	City initiates a series of contacts with its sewer consultants, both G. Ben Turnipseed and Stephenson & Palmer, to review capacity of City's existing sewer treatment facilities to accommodate and serve the development approved in the concept plan.
	Brent Pike revised and amended the draft Development Agreement discussions with City and City's sewer consultants.
11/10/04	Letter from City to Scarborough confirming project was on 11/9/04 Agenda but no representative was there; tabled.
2005	

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3/15/05	City (Bobby Blalock) provides letter to Donna Black with information regarding the type of sewer system it preferred to be installed for provision of service to subject property and requested additional information regarding development as to the time of buildout, phasing of construction and anticipated volume of sewage for treatment.
5/23/05	Design for a private drip sewer system to serve development was presented to Mayor and Council based on representations of City's sewer consultants that its existing systems lacked capacity to accept the volume of sewage generated by the development on subject property. City expresses desire to own whatever system is installed, reiterating that the existing sewage system lacked sufficient capacity to treat sewage from the development from its sewer consultants. City did not approve private drip sewer systems presentation proposed to serve the development and gave no further direction as to its preferred means to have the development served by sewer.
6/22/05	Letter to Kathleen Birney formally requesting the Development matter be placed on the Agenda for the next Planning/Zoning meeting scheduled 7/7/05 and requesting review of the preliminary plat with Birney and counsel for City (Rob Morton) along with the language of any conditions of plat approval and/or terms of any Development agreement resolved by that date.
6/27/05	Letter from Maria Cartwright, Zoning Administrator for City confirming 7/7/05 Planning and Zoning meeting has been canceled; confirming meeting scheduled for 7/27/05 with counsel for Plaintiff and Defendant and Ms. Cartwright and noting the sewer matter has not been formally approved by the Mayor and Council.
7/27/05	City having made no decision regarding the preferred means for sewer service to be provided to the development, a meeting was conducted with Kathleen Birney to review proposed sewer plan. Ms. Birney requesting additional information as set forth in City's letter of 3/15/05.
8/16/05	PP on Mayor and Council Agenda – continued until 9/2005 per Plaintiff request for time to gather additional information.
9/2005	Another proposed plan for construction of a separate waste water treatment plant to serve development is presented to Mayor and Council; no action was taken to approve proposed sewer system.
11/14/05	Letter to City with additional information regarding development. No action by City who advised its consultants, Stevenson & Palmer, were reviewing the existing treatment plan and would make recommendations regarding same.
2006	
1/5/06	Request made to Birney for a copy of sewer report prepared by Stevenson & Palmer .
1/17/06	Request via letter for copy of sewer report pursuant to Georgia Open Records Act.
1/25/06	Letter to Kathleen Birney requesting a meeting with Stevenson & Palmer to review its findings on City's sewer capacity; no meeting was scheduled.
5/18/06	Letter to Blalock objecting to proposed down zoning of property.
	City considers application for a new discharge permit from Georgia Department of Natural Resources, Environmental Protection Division (EPD) to expand City's sewer system and capacity.
8/8/06	City conducts public hearings on expansion of sewer system and proposed EPD's permit.
10/26/06	Brent Scarborough and Donna Black meet with Kathleen Birney to obtain information on sewer service to subject property at which time Ms. Birney advised the City had rejected the pressure drip system plan presented 11/2005.
10/31/06	Kathleen Birney provided Brent Scarborough and Donna Black with a letter dated 2/6/06

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	confirming the City's decision to reject the proposed pressure drip system.
11/1/06	Kathleen Birney provided a fee schedule to Donna Black and requested a written agreement for provision of water and sewer to the development.
2007	
1/7/07	Kathleen Birney contacted Donna Black to request Brent Scarborough's cooperation with City to annex additional property (2 rectangular tracts of approximately 7 acres each) contiguous to subject property owned by him to City which would be served by water and sewer pursuant to the written agreement (which had not yet been prepared). Brent Scarborough cooperated with the annexation request from City.
2/5/07	Donna Black provided draft Development Agreement to Kathleen Birney for the provision of water and sewer service to subject property for City's consideration.
2/7/07	Kathleen Birney met with Brent Scarborough and Donna Black to review the drafted Development Agreement and indicated that same was "basically acceptable" subject to review by the City's consultants and approval by the Mayor and Council.
10/5/07	Having received no response from City, Brent Pike submitted a second draft Development Agreement to Kathleen Birney.
2008	
1/22/08	Brent Pike cooperated with an additional request by City to convey right of way required for the redesign of Huckaby Road to serve a new school constructed in the vicinity of subject property.
	Kathleen Birney advised Brent Pike that up to 100 lots located within the development on subject property could be served by City's existing sewer line located in the north right of way of Huckaby Road. In response, Brent Pike revised and amended the draft Development Agreement in accordance therewith.
5/29/08	Brent Pike submitted revised draft Development Agreement and matching plans to Kathleen Birney.
6/17/08	Brent Pike submitted construction plans for Phase I, consisting of 87 lots to be served by gravity sewer to City.
6/19/08	City Clerk (Sue Frank) via a letter to Brent Pike advised that the City did not know what to do with the submitted plans.
6/30/08	City Clerk sent an additional letter to Brent Pike indicating the approval of the development concept plan expired by operation of Section 504.24 of the PRD zoning district.
7/18/08	Scarborough sent letter to City in response to notice of expiration of development project.
7/28/08	Second letter to City (denied receipt of 7/18/08 letter).
8/1/08	Letter from City refusing to review plans.
10/1/08	Stormwater plan reviewed and approved by Turnipseed.
10/16/08	Following subsequent inquiries by Brent Pike, counsel for City advised the approved concept plan had expired.
10/19/08	In a phone conversation with Rob Morton (City's counsel) he stated zoning had not expired, only the concept plan had expired and directed that new plan be submitted.
11/10/08	Letter to City's counsel confirming requirements of new submittal.
11/25/08	Call from Rob Morton confirming Scarborough will not be getting the 500 lots; letter is promised.
11/2008	Letter from Morton stating the concept plan for Mill Lake is "null and void".
2009	
4/23/09	Following correspondence with City's counsel, Scarborough submits draft Development Agreement and sewer plans to Morton.

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5/18/09	Letter to Blalock objecting to down zoning.
7/8/09	Complaint filed.
7/16/09	Defendants file Answer to Complaint.
7/27/09	Plaintiff filed Petition for Declaratory Judgment and For Writ of Mandamus against City of Zebulon and Kathleen Birney and service was perfected by Sheriff on 7/30/09.
10/29/09	Defendants file Answer and Defenses.
11/2/09	Defendants file Motion to Open Default, Schedule the Filing of Defendants' Responsive Pleadings and Stay of Proceedings Pending Settlement Negotiations.
11/20/09	Consent Order to Open Default, Schedule the Filing of Responsive Pleadings and Stay Proceedings approved by Judge Paschal A. English, Jr.
2010	
1/6/10	New plan sent to City with 450 lots.
5/10/10	Meeting with Bert Watson and Beres requesting letter acknowledging reduction on density; finalization of Development Agreement; and settlement of lawsuit. Discussed sewer options.
5/20/10	Phone call from Beres confirming Councilmen agreed to accept plan. Schedule of approval process set; final hearing 6/27/10.
6/22/10	Revised Development Agreement sent to Beres.
7/1/10	Email to Teresa Watson (City Clerk) requesting if mayor had reviewed Development Agreement.
7/27/10	Request to Beres for comment on Development Agreement.
8/24/10	Request to meet with Beres.
9/3/10	Letter from City listing unresolved items.
9/15/10	Requested meeting for 9/22/10 or 9/23/10.
9/29/10	Beres responded with intent to meet soon.
10/4/10	Request to meet with Beres this week.
10/7/10	Meeting could not be confirmed; rescheduled for 10/12/10.
10/12/10	DB meeting with Beres, Kathleen Birney and Phyllis Crawford (City Clerk); minutes available but not typed.
10/13/10	DB sends Draft Development Agreement and site plan to City via Phyllis Crawford via email.
11/1/10	Message from Rob Morton indicating Development Agreement cannot be approved without final plan.
11/18/10	Request for meeting to discuss Development Agreement.
12/9/10	Meeting with Bert, Beres, Phyllis, Birney, Rolader and DB
2011	
1/8/11	Meeting
2/18/11	Letter to Beres from DB listing very specific items in new regs that Plaintiff does not agree to abide.
3/16/11	DB Meeting with Beres, Bert Watson and Morton.
4/8/11	New phased plan created per City request.
4/26/11	Meeting with DB, Beres, and Bert Watson.
8/16/11	Development Agreement revised to reflect new plan and discussions.
8/17/11	Development Agreement submitted to Bert and Beres.
2012	
1/25/12	Meeting
5/31/12	Information sent to Morton for review for meeting scheduled 7/12/12.

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7/12/12	Planning and Zoning meeting
7/19/12	DB meets with Rob Morton and Newton Galloway.
7/26/12	Meeting with Bert, Morton, Blalock and Rod Wilson.
8/9/12	Meeting with Ron (Water & Sewer Department) on flows for development. Joe Walter, Blalock, Bert Watson.
8/15/12	Meeting
9/26/12	Meeting minutes available.
2013	
2/7/13	Meeting
11/14/13	Email to Beres requesting comments.
2014	
2/11/14	Meeting with Mayor (summary available).
2/14/14	Email to Rob Morton.
3/4/14	Having received no response from 2/14/14 email, second email to Rob Morton – response followed.
3/20/14	Email to Beres requesting comments prior to meeting scheduled 3/27/14
4/1/14	Planning and Zoning meeting.
4/17/14	Larger plans sent to City per their request.
4/18/14	Meeting.
5/12/14	Call from Beres and Teresa requesting ¾-1 acre lots and 1500-1800 square foot homes.