

The Board of Commissioners of Fayette County, Georgia met in Official Session on March 8, 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
Harold Bost
Herb Frady
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 the Invocation and led the pledge to the Flag.

PUBLIC HEARING:

APPLICATION APPROVED FOR A PACKAGED BEER AND WINE SALES PERMIT FOR COST PLUS, INC., D/B/A COST PLUS WORLD MARKET, 240 Pavilion Parkway, Fayetteville, Georgia. Carl Jackson Spence, applicant. This property is located in Land Lot 186 of the 5th District, fronts on Pavilion Parkway and S.R. 314 and is zoned C-H. This application is for a new building.

Zoning Administrative Assistant, Robyn Wilson informed the Board this matter had been reviewed and approved by Attorney, Monty Goza. She said the fingerprints had also been approved by the Marshal's office and the applicant had met all of the requirements of the current ordinance.

Chairman Dunn opened up the floor for public comment and there was none.

On motion made by Commissioner Bost, seconded by Commissioner Frady to approve the application for a packaged beer and wine sales permit for Cost Plus, Inc., d/b/a Cost Plus World Market. The motion carried 5-0.

ORDINANCE NO. 2001-02, APPROVING AMENDMENTS TO THE FAYETTE COUNTY LAND USE PLAN MAP AND TEXT: Christine Venice, Planning Administrator, stated that several years ago, when the county became aware of the plans for the three school complexes in the S.R. 74 South/Redwine Road area, we reviewed the Land Use Plan (LUP) to see if the land use in the area needed to be modified.

Ms. Venice said at that time, the staff and the Planning Commission believed that the character of the area, even with the development of the schools, was still residential in nature. She commented the LUP prohibited commercial uses and, while there was discussion of possible future office/institutional uses in the area, such uses were not indicated at that time. She said the Planning Commission and staff believed it was very important that the Land Use Plan reflect the historic and residential nature of the area and no changes were made.

She stated a little more than a year ago, with the completion and operation of the schools, the LUP plan in this area was again revisited. She said it was determined that the area still remains residential in character and no changes were made to the LUP. She remarked the recent events that now allow commercial and office/institutional activity on the west, or south side of S.R. 74 requires that we look again at the area and revisit its land use to determine whether or not, at this point, given the recent events, the LUP should be modified.

She remarked that the current LUP for this area is Low Density Agricultural, with the Swain-Peebles House being indicated as having historic interest. She said this Low Density Agricultural land use includes the school complex and a day care center. She added both these uses are allowed in their designated Agricultural-Residential zoning district.

She said staff believes this area still remains primarily residential in character. She stated while the area was experiencing nonresidential development, the development of some 230 single family residences in the unincorporated county and additional residential lots in the Peachtree City limits within 3/4 of a mile of this intersection, still attests to the area's viability for residential uses.

She said staff was recommending the following LUP amendments that recognize the development changes in the area while still preserving the residential character:

1. "We recommend that the recently-approved commercial center be land used commercially; and likewise, that the recently approved 5-acre office-institutional property be land used office-institutional. These nonresidential uses will be bordered to the west and south by a conservation area land use, to the east by the day care center, still land used Low Density Residential-Agricultural, and to the north by S.R. 74. These land uses will effectively buffer the adjacent and nearby residential areas from the residential non-uses.
2. To preserve and maintain the existing and future residential area north of S.R. 74 along Redwine Road, and to buffer the school complex, we are recommending that the 5 acre lot on the northeast corner - east of Redwine Road - and the properties west of Redwine Road, adjacent to S.R. 74 South to the Peachtree City limits, be designated as Office-Institutional. This designation offers a good step-down

transition area for the adjacent residential uses to the north. The 5-acre lot would retain its historic interest designation.

3. We also recommend that the tracts east and south of the Peachtree City limits and west of Redwine Road be designated for Low Density land uses. Peachtree City residential development in this area is generally characterized by 12,000 square foot lots. While the amendment to Low Density, at a one acre minimum lot, is still much less dense than development in Peachtree City, this land use more closely resembles the city's residential land use."

Ms. Venice commented she would be happy to answer any questions or open it up to the public for comment.

Commissioner Frady questioned the Office-Institutional property. He asked if anyone would be interested in rezoning this property to Limited-Commercial use rather than Office-Institutional, or one way or the other, all of it, because we can say what goes in there. He added that Office-Institutional was rather broad.

Ms. Venice said that L-C was still commercial in nature and still allows for the sale of convenience items that we thought would be more of an attractive nuisance being that close to the school, and Planning Commission and staff felt at this time that Office-Institutional, while perhaps having more uses, offers less attractive uses to students and that was the reason we chose O-I on that property.

Commissioner VanLandingham said he was assuming no soil sampling had been done. He said he wondered at some point in time if the county would have to grant variances on this or was it going to have to rezone to larger tracts to support a septic system.

Ms. Venice replied, "No sir," the land use will not affect soil surveys and whether the land actually perks, the land use puts a desired category on the ground, but it did not affect the zoning.

Chairman Dunn asked for public comment and a hand was raised.

Lou Pailer, 1330 Highway 74 South, stated he was looking at the LUP and he was not sure about it. He asked if the county was going to change the LUP, on a person's plat of land, was the county required to notify the person first?

Commissioner Bost said the county was not required to notify anyone if it was for a change in the land use. He added the county was required to notify the citizens if there is a proposed change in a zoning matter.

County Attorney McNally said the county notifies people by its advertising which is what we have done.

Mr. Pailer said he happened to own the five-acres at the corner of S.R. 74 and no one notified him that they were going to change from residential to O-I. He remarked that when he purchased the land, it was commercial. He said he did not know it was going to be changed because he was not notified as he should have been.

Commissioner Frady said notification would not be a bad idea. He added that if the county was proposing a change, we should notify the property owner(s) who would be affected. He said he was not aware that Mr. Pailer did not know this.

Chairman Dunn stated he also thought it would not be a bad idea to figure out somehow to notify the property when a proposed change is made. He remarked that he knew Mr. Pailer was represented at the Zoning Board's last public meeting.

Mr. Pailer urged the Board to notify the citizens in the future.

Commissioner VanLandingham said he agreed with Mr. Pailer and Commissioner Frady that the county needed to notify the people to prevent a lot of confusion. He added there were many ways we could notify people and we ought to utilize that instead of waiting until the last minute and no one knows what is going on.

Vice-Chair Wells asked if the county posted signs along the areas that this was going to be coming up for a public hearing, in addition to putting it in the newspaper.

County Attorney McNally replied that the county did this on a rezoning. He stated the county followed state regulations as far as our advertising was concerned. He added that Land Use Plans on the whole were not as vital as a rezoning, and many times the Land Use Plan is looked at for an entire county, which makes the posting of properties just about impossible. He commented that just in the last few years we have had the planning staff look at the entire corridor on Highway 54, east and west. He said it would be a sizeable proposition and one which would leave room for error, should you require that.

Vice-Chair Wells stated she assumed that we were also posting this in the neighborhood so that people dropping by could see it. She said this would not be too difficult to do, to put the signs in strategic places so that the land owners would have some information. She remarked that she didn't like the fact that we were in this position of having to make these changes. She added as most of you know, she did not vote for the commercial going in there, and she disliked the fact that this corridor was changing at all. She said she felt staff had done an excellent job in looking at it and land using it prior to this, and that we had been very consistent. She said be that as it may, it has now changed, and we do have to have some step down areas and we do have to address the current circumstances. She

commended the staff and the Planning Commission for the good job they had done. She said she thought this was an excellent step down usage and maintained the integrity of the area.

Commissioner VanLandingham reiterated his feelings were the same as Vice-Chair Wells.

There was no other public comment. Chairman Dunn brought the matter back to the Board for a vote.

On motion made by Commissioner Bost, seconded by Vice-Chair Wells to approve the proposed amendments to the Fayette County Land Use Plan Map and Text. The motion carried 5-0. A copy of Ordinance No. 2001-02, identified as "Attachment No. 1," follows these minutes and is made an official part hereof.

APPROVE SHORT TERM WORK PROGRAM AND ADOPTION OF RESOLUTION:

Planning Director, Christine Venice, stated the Georgia Planning Act of 1989 set out requirements that local government must meet to be certified as a qualified local government. She said this criteria includes the adoption of a Comprehensive Plan and a Short Term Work Program (STWP) for the county. She added that another requirement to remain a Qualified Local Government, is the five-year update of the STWP. Ms. Venice commented that since the county first adopted our Comprehensive Plan back in 1991, we have met these continual update requirements. She said we are at the five-year point now where an update of the STWP is required. She stated this Work Program proposes a five-year Work Program to implement the visions and goals of the Comprehensive Plan.

Ms. Venice said what was before the Board now was a five-year update which includes a summary of accomplishments from the prior STWP which ran from 1997 - 2001, and a new STWP to cover the period from 2002 - 2006. She stated she was happy to report that most of the projects from the previous STWP were either accomplished or were currently underway. She made it clear that nothing in this STWP before them was binding on the Board. She said all the projects listed here must be individually approved by the Board at the appropriate time. She said, likewise, budget or other constraints, or unforeseen circumstances, could require revision of the STWP whenever the Board saw fit.

Ms. Venice stated tonight she was asking the Board to approve a Resolution that transmits this STWP to the Department of Community Affairs and the Atlanta Regional Commission for their review and approval. She commented that once we have received their review and approval, we will be back before the Board to officially approve and adopt the STWP to meet our June update deadline.

Commissioner Frady asked concerning the construction of two jail pods if the fiscal year 2003 to initiate the project and 2005 to finish it was correct.

Chairman Dunn said this was incorrect. He said this project would be started within a month.

Ms. Venice advised she would correct her information.

Chairman Dunn said along those lines, he did not see in the SWTP that addresses the construction of a new courthouse. He asked if that should be on her list as well.

Ms. Venice said it should be listed if construction was going to be within this five-year frame. She confirmed the construction of a new jail and courthouse should be initiated in the year 2001.

Chairman Dunn said the courthouse would be started at the same time the jail pods were started. He added that renovation of the old courthouse should be in here as well and that would probably start in 2002. He said he would obtain information on the figures for her list.

Ms. Venice said her office would be happy to make those amendments before the STWP was sent out.

Commissioner Bost stated that he thought some of the widening of Highway 54 west was going to start soon and he didn't see that on the list.

Ms. Venice stated the nice thing about the STWP is that we send this information to the individual departments as to what their plans are and they send it back. She said the list she received back from the Road Department indicates what they will be working on.

Commissioner Bost asked that this be checked out. He said he thought there was a small portion of Highway 54 leaving Peachtree City that was in the unincorporated county.

Commissioner Frady confirmed there was a portion there that belonged to the county. He added the area was just below Wynnmeade.

Commissioner Bost commented this was supposed to be on the approved projects that were to start as soon as we received EPA's approval through the ARC.

Ms. Venice said she would check with Mr. Hearn on this particular project.

Chairman Dunn asked if there was any public comment and there was none.

On motion made by Commissioner Bost, seconded by Commissioner VanLandingham to adopt the Resolution to transmit the Short Term Work Program with adjustments to the ARC and DCA. The motion carried 5-0. A copy of the Resolution and STWP, identified as "Attachment No. 2", follow these minutes and is made an official part hereof.

CONSIDERATION OF IMPACT FEE ORDINANCE FOR FIRE SERVICES: Assistant County Attorney, Dennis Davenport, stated in this public hearing he wanted to bring about the fact that ARC submitted a letter on February 28, 2001 that the Capital Improvements Element submitted to them back on Christmas eve was finally approved. He commented this was the next step in the process of the imposition of the Impact Fee for fire services. He said we were in the process of going through two public hearings, one tonight and the second one on March 22, 2001 for the passage of the development of an Impact Fee Ordinance. He said the Board had a working copy of the ordinance available this evening. He advised the ordinance was broken down into various chapters so if there were any particular issues about the working ordinance, he would be happy to entertain any questions. He said in large, the purpose of this ordinance was to impose the impact fee for fire services. He stated if his memory served him correctly, the Capital Improvements Element projected that Impact Fees for residential structures would be \$600.57. He added with the nonresidential structures, there was a table, and depending upon what the use was, would determine what the Impact Fee would be. He added this would be an attachment to the Development Impact Fee Ordinance so that it could be administered properly so when someone pulled the building permit, they have the Development Impact Fee in front of them, and charge it at that time.

Attorney Davenport stated not only was Fayette County going through this, but also Brooks, Woolsey and Tyrone. He commented the Town of Brooks was planning to meet on March 19 and April 4 to finalize their Impact Fee Ordinance; the Town of Tyrone was planning to meet April 4 and Woolsey would meet on April 9 and May 14. He said once those dates had come and gone, all four jurisdictions should have at that time, a Development Fee Impact Ordinance in place for their jurisdiction. He remarked that each ordinance would be substantially the same as the others with the common goal to be able to collect the Impact Fee for fire services to be distributed accordingly.

Commissioner Frady questioned the draft ordinance on page 13, where it says that development impact fees may be imposed for any and all of the seven categories listed in Article V. He questioned whether this ordinance was only for fire services or if it was a general ordinance and fire services would be one of the things mentioned in the ordinance.

Chairman Dunn clarified that this was also a part of the public hearing. He pointed out that this ordinance for fire impact fees applies only to Brooks, Woolsey, Tryone and the unincorporated county. He said Peachtree City and Fayetteville had their own fire departments and that was why they were not included in this.

Chairman Dunn asked if there was any public comment on the Impact Fee Ordinance.

Bob Craft, commended the county for the Impact Fee Ordinance. He said we have all built a quality community here with quality schools, quality elected officials, the best fire department in the nation, and quality police. He pointed out a quality developer knew the importance of helping build infrastructure for the subdivisions and the community. He stated he shouldn't see any opposition from the developers that are interested in joining along with us in making this community a better place to live.

Chairman Dunn said there were two developers on the Impact Fee Committee and they were very helpful in determining how to go about this. He announced the second public hearing for this matter was scheduled for March 22, 2001.

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OLD BUSINESS:

WATER SYSTEM APPROVED TO PROCEED WITH PHASE III OF THE METER

READING SYSTEM: Water System Manager Tony Parrott stated he was there to ask for authorization to order 6,000 radio read meters that would be delivered on July 1. He said the radio read meters would be paid for in the fiscal budget for 2001-2002. He commented that this was a part of his overall meter change out program. He noted that this program was so popular that Badger sold 450,000 meters in Pennsylvania. Mr. Parrott said he wanted to order ours so that we would have them available to the contractor in July.

On motion made by Vice-Chair Wells, seconded by Commissioner Frady to approve the request from the Water System to proceed with Phase III of the meter reading system, with funds to come from the fiscal 2001-2002 budget. The motion carried 5-0.

APPROVAL OF REAPPOINTMENTS TO THE PUBLIC FACILITIES AUTHORITY: There was no discussion concerning the reappointments.

On motion made by Commissioner Bost, seconded by Commissioner Frady to reappoint Mary Shavers, Jack Smith and Chuck Watkins to the Public Facilities Authority, which term commences March 1, 2001 and expires on February 28, 2002. The motion carried 5-0.

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CONSIDERATION OF CONTRACTING WITH TOM WALSTON OF MCNEARY AND ASSOCIATES FOR CONSULTING SERVICES ON PROPERTY/CASUALTY INSURANCE:

This item was removed from the agenda.

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NEW BUSINESS:

REQUEST TO ABANDON A PORTION OF WEST HARRIS ROAD THAT LIES WITHIN FAYETTE COUNTY AND RUNS THROUGH LAKESIDE II AT RIVERS EDGE

PLANTATION SUBDIVISION: Mr. Harold Cunliffe, 5755 Dupree Drive, Suite 130, Atlanta, Georgia, 30327. Mr. Cunliffe said he owned and intended to develop some property in Clayton County which was adjacent to Fayette County. He said he shared the county line. He stated the situation which has arisen here was that sometime ago, a road was established along the county line, and in subsequent years, became a prescriptive right-of-way that is approximately thirty feet wide. He commented this is currently a gravel road and is maintained by Clayton County. He said when he completes the development of the property immediately adjacent to this, the road will become redundant. He remarked that the Commissioners from Clayton County have already taken a look at this and have decided not to abandon it, but rather to do a right-of-way exchange with him. He stated what would happen was he would acquire all the lands lying within Clayton County. He said it seemed to him that the proper action for everybody involved here would be to reestablish the old county line, so that the folks that live in the subdivision, immediately to the west of the county line, should be given the opportunity of acquiring additional properties on their backyard. He claimed he was trying to reestablish that old county line should the Board see fit to abandon this sliver of property.

Commissioner Frady asked what Mr. Cunliffe meant by reestablishing the old county line.

Mr. Cunliffe stated originally the county line ran down a lot line which he pointed to on the map. He reviewed the area in question using a map. He said the property in yellow lies in Fayette County and the property north of it, that is not colored, lies in Clayton County. He stated the property rights for the people that live in Fayette County come up to but do not extend beyond or into the yellow. He added it seemed to him that the proper action would be to go to those folks that live in Ridgemont Subdivision and offer them the property in yellow by simply extending their side-lot lines. He said, therefore, the rear yard of my lots and the rear yard of their lots would coincide, and in fact it would coincide right on the county line, which is the land lot line. Mr. Cunliffe said this would be nothing more than a clean up of a situation that was caused by a prescriptive right-of-way sometime ago.

Mr. Cunliffe indicated on the map, a portion of the road which had already been abandoned, graded over and planted. He said this was done in conjunction with this development that he completed in 1994. He commented in this instant, the appropriate

action would be to take the center line of the old prescriptive easement, deed half of it to the property owner which he indicated on the map. He added this property happened to be the community association that he set out for the development. He said he believed the appropriate action would be to extend the side-lot lines of the homeowners in the Ridgemont Subdivision that abut this area.

Mr. Cunliffe advised where he was at in the process. He stated the Commissioners in Clayton County have indicated a willingness to go ahead and do this right-of-way exchange with him, and, in fact, abandon the West Harris Road right-of-way, as soon as they get some kind of positive indication from the Fayette County Board of Commissioners. Commissioner Frady asked if Lakeside Parkway was an existing road and did it extend into Fayette County.

Mr. Cunliffe said the Parkway was an existing road and it extended into Fayette County coinciding with the old thirty feet prescriptive right-of-way.

Commissioner Frady said the Parkway appears to come into Fayette County before it gets to the prescriptive easement.

Mr. Cunliffe pointed on the map to where the existing Parkway was. He said it coincides with the old prescriptive right-of-way.

Commissioner Frady stated the prescriptive right-of-way runs off at an angle and Mr. Cunliffe's road crosses the county line before it gets there, if he was reading the map correctly. He said if the map was correct, the road was in Fayette County.

Mr. Cunliffe said yes, it was in Fayette County and it lies within the original prescriptive right-of-way.

Commissioner Frady asked Mr. Cunliffe if anyone came before the Planning Commission before they crossed over into Fayette County.

Vice-Chair Wells said she was not comfortable with taking any action on this matter tonight because she wasn't sure the Board has adequate knowledge of this matter, and has had time to review it. She asked that the Board not take any action until staff has had a chance to look this over and make a reasonable recommendation.

Commissioner Frady commented he felt that County Attorney McNally should review this matter also.

Attorney McNally remarked that Mr. Cunliffe had called his office.

Chairman Dunn asked Mr. Cunliffe if he was representing the homeowners that back up to the easement in question and Mr. Cunliffe said "No." Mr. Dunn said the people already

live there, they already have this problem behind them, and he didn't know that they wished to come to the county line of Clayton that way.

Vic-Chair Wells said there may also be a cost for plating and re-recording. She commented for the Board to take this action strictly on what Mr. Cunliffe was proposing, without looking at the composite and how it affects everybody, she didn't think was a wise thing for the Board to do without further study.

Mr. Cunliffe stated the representation that he made to Mr. McNally's group is what we would do would be to go ahead and prepare all of the legal descriptions, prepare the deeds and make them available to the people in Ridgemont, and if the people in Ridgemont don't want the property, then they don't have to take it. He added that if Fayette County would like to keep that yellow strip, that was fine too.

Chairman Dunn pointed out that the Board doesn't know that it did want the property but we do not give away things very easily.

Commissioner Bost stated he had been to the area in question and he was confused as to where all of this was. He said he now understands where Lakeside Parkway is after it was explained but the actual road that is in place right now, the gravel road, is the part right along where the map shows orange. (Scribes' note: some of the maps were colored and other maps were not which made for confusion among some Board members.)

Mr. Cunliffe said Mr. Bost's understanding was incorrect. He said it was not where the orange was. He explained that the portion of this road to the left of the drawing has already been abandoned.

Commissioner Bost said that was correct.

Commissioner VanLandingham inquired who the builder was of Lakeside Parkway.

Mr. Cunliffe said he was.

Commissioner Bost asked if this was abandoned, would Mr. Cunliffe eliminate the entire road and cover it up on the Fayette County side so that it would look like it was supposed to. Mr. Bost said the homeowners would not want the gravel road left back there. He said he assumed Mr. Cunliffe had plans to eliminate the gravel road, at least the part in Clayton County, that would be part of Mr. Cunliffe's subdivision.

Mr. Cunliffe said yes, that he would replant grass there.

On motion made by Commissioner Frady, seconded by Vice-Chair Wells to have staff and Attorney McNally review this request and return to the Board with a recommendation. The motion carried 5-0.

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DISCUSSION OF CURRENT MARKET STUDY OF THE COUNTY'S PAY AND CLASSIFICATION STANDARDS: Commissioner Frady requested this item be tabled until the March 22, 2001 meeting as he had not had sufficient time to review all of the information.

Members of the Board explained to the newest Commissioner that it was agreed upon to table any item, one time only, upon the request from any Commissioner.

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CONSENT AGENDA: *On motion made by Vice-Chair Wells, seconded by Commissioner VanLandingham to approve the Consent Agenda as presented. The motion carried 5-0.*

MARSHAL'S OFFICE, TRANSFER OF FUNDS: Approve request from the Marshal's Office to transfer \$355.68 from the general fund to the Marshal's budget, category #136-5433 for vehicle repair. This request is based on insurance supplemental compensation.

BID AWARD FOR TRACTOR TO ADAMS EQUIPMENT COMPANY: Approve recommendation to award bid for a tractor with mowers to Adams Equipment Company in the amount of \$57,170. They were the only bid meeting the county's specifications.

19TH ANNUAL BROOKS DAY FESTIVAL : Approve request from Brooks Festivals Inc. to hold the 19th Annual Brooks Day Festival on May 12, 2001 in the Brooks City/County Park.

SHERIFF'S OFFICE, TRANSFER OF FUNDS: Approve request from the Sheriff's office to transfer funds in the amount of \$2,160.00 from category #130-5770 to category #130-5743 to purchase a new deep fryer for the kitchen.

SHERIFF'S OFFICE, TRANSFER OF FUNDS: Approve request from the Sheriff's office to transfer funds in the amount of \$1,030.00 from category #130-5730 to category #130-5617 to purchase stinger flashlights for members of the Traffic Enforcement Division who do not have them.

SHERIFF'S OFFICE, TRANSFER OF FUNDS: Approve request from the Sheriff's office to transfer funds in the amount of \$460.00 from category #130-5770 to category #130-5694 to purchase a bullet trajectory laser for the Crime Scene Unit.

FAYETTE YOUTH PROTECTION HOME, INC.: Approve request from the Fayette Youth Protection Home, Inc. to place a sign on the northwest corner of the Old Courthouse,

announcing the 12th Annual Power Parade, beginning April 9 and ending April 15, 2001. Please note we are unable to accommodate their request for the second week, April 16 - April 20, due to other commitments on our sign calendar.

MINUTES APPROVED: Approval of minutes for Board of Commissioners meeting held on February 22, 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.

There was no public comment.

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STAFF REPORTS:

Commissioner Herb Frady: Commissioner Frady commented on a report he received from the Sheriff's Department concerning the inmates. He said, including the 50 people that were housed in Union City, we have a total of 192 inmates and locally we had 142. He commented the inmate population was easing downward.

Attorney McNally stated he had four legal items and one item of real estate to discuss in Executive Session.

EXECUTIVE SESSION: *On motion made by Commissioner Bost, seconded by Commissioner Frady to adjourn to Executive Session after a five-minute recess to discuss four legal items and one matter of real estate. The motion carried 5-0.*

Vice-Chair Wells exited the meeting at approximately 8:40 p.m. She was not present for the Executive Session.

REAL ESTATE:

The County Attorney advised the Board on matter of real estate acquisition.

On motion made by Commissioner Bost, seconded by Chairman Dunn not to proceed in the matter. The motion carried 4-0. Vice-Chair Wells was not present.

LEGAL:

The County Attorney advised the Board on threatened legal action.

No action by the Board.

LEGAL:

The County Attorney advised the Board on a legal matter.

The Board requested the attorney obtain additional information as to the county's legal position.

LEGAL:

The County Attorney briefed the Board concerning a matter of threatened litigation.

No action taken by the Board.

LEGAL:

The County Attorney briefed the Board on a legal matter.

On motion made by Commissioner VanLandingham, seconded by Commissioner Bost to have the County Attorney obtain additional information to advise the Board in the matter. The motion carried 4-0. Vice-Chair Wells was not present.

EXECUTIVE SESSION AFFIDAVIT:

On motion made by Commissioner Bost, seconded by Commissioner VanLandingham to authorize Chairman Dunn to sign the Executive Session Affidavit confirming discussion was held on one real estate matter and four legal items. The motion carried 4-0. Vice-Chair Wells was not present. A copy of the Affidavit, identified as "Attachment No. 3", follows these minutes and becomes an official part hereof.

There being no further business to come before the Board, the meeting adjourned at 9:10 p.m.

Linda Rizzotto, Chief Deputy Clerk

Gregory Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 22nd day of March, 2001.

Linda Rizzotto, Chief Deputy Clerk