

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, February 26, 2004, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Peter Pfeifer
A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
William R. McNally, County Attorney
Peggy Butler, Executive Assistant

Chairman Dunn called the meeting to order, gave the invocation and led the pledge to the flag.

REZONING PETITIONS:

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County Commissioners. She said at this hearing the Board would listen to the concerns of everyone, whether in favor or opposition to the rezoning petition. She pointed out when a rezoning petition was called, the petitioner or representative for the petitioner would be allowed 15 minutes in which to present the details of the request, followed by anyone who wanted to voice support for the request. She stated that the Chairman would then allow all those individuals who were opposed to the rezoning to stand for a moment to display their opposition. She said the Chairman would then ask those individuals who wished to come to the podium to speak to remain standing so the Board and staff could get an idea of how to allocate its time. She said the Board would allow up to 3 minutes for each speaker. She said when the persons speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

Commissioner Wells further remarked that these hearings were a part of the permanent record and speaking at the podium with the microphone helped staff with their task of recording comments and ensured everyone being heard. She remarked when it was an individual's turn to speak that they come to the podium, state their name and address and direct their comments to the Board only. She asked that after individuals speak that they sign the sheet that would be provided by the Marshal in order for names to be spelled correctly for the record.

Commissioner Wells stated that the Board wanted to hear from everyone who had something to say and they would pay close attention to each point raised. She said it

Minutes

February 26, 2004

Page 2

would not be necessary for the same point to be raised over and over. She thanked everyone for their participation and announced that the Zoning Administrator would begin introducing each request in the order they appeared on tonight's agenda.

PUBLIC HEARING:

PETITION NO. 1120-04:

Chris Venice, Acting Zoning Administrator, read Petition No. 1120-04, Charles and Ellen Thompson, Owners, Waylon Hoge of Brock Design Group, Inc., Agent, requested to rezone 2.01 acres from O-I Conditional to O-I to develop an office. This property is located in Land Lot 127 of the 5th District and fronts on S.R. 54 West. The Planning Commission recommended denial 5-0. Staff recommended denial.

Chairman Dunn announced that the petitioner had requested this item be withdrawn from the agenda. A copy of the letter requesting to withdraw the petition identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

PETITION NO. 1121-04:

Chris Venice, Acting Zoning Administrator, read Petition No. 1121-04, Carolene and Hewlett Thames, Jr., Owners, and John Zadjura of Integrated Science and Engineering, Agent, requested to rezone 102 acres from PUD-PEF to A-R to develop a Nursery Operation, Greenhouses, Growing Fields, and Agricultural Uses. This property is located in Land Lot(s) 1401, 141, 148, and 149 of the 5th District, and fronts on McDonough Road. The Planning Commission recommended approval with one condition 5-0. Staff recommended approval with one condition.

John Zadjura said he represented the Thames family. He said he was with Integrated Science and Engineering located at 275 South Lee Street, Fayetteville. He said he wanted to give a brief history of the project. He said in 1955 the Thames purchased the property and used it primarily for agricultural and farming uses. He said in 1994 an 102 acre portion of the larger 400 acre farm was rezoned to PUD-PEF in anticipation of constructing a restaurant. He said the restaurant never happened and the land had continued to be used as agricultural and farming up until today. He said in 1999 the Thames sisters began to grow annual plants on the farm. He said this had been a successful business particularly the last few years. He said last year it was decided to expand the nursery to meet the demand for the annuals. He said they employed an engineer to plan the expansion. He said they realized since it was zoned PUD-PEF there was a condition that required paved access ways. He said that was not compatible with the nursery operation and the flexibility it needed with the ever changing access ways and farm type roads in it. He said the case was brought to a variance hearing in December and submitted for a variance to eliminate the paved requirement and make it a gravel access. He said they

Minutes
February 26, 2004
Page 3

were denied. He said they were here to present this to be rezoned back to the original A-R zoning which would be more compatible zoning for the intended use.

Mr. Zadjura said he thought it was worth mentioning that they had not thought it was going to be as difficult of a road as it had been and that time delays would be involved. He said the Thames sisters were expecting their twice a year plant delivery in March for the summer season. He said they were hoping the Board would consider that with a timely decision on this matter.

Chairman Dunn asked if there was anyone who wanted to speak in favor of this petition. No one spoke in favor of this petition. Chairman Dunn asked if there was anyone who wanted to speak in opposition of this petition. No one spoke in opposition of this petition.

Motion was made by Commissioner Wells to approve Petition No. 1121-04 with one condition as recommended by Staff and the Planning Commission. Seconded by Commissioner VanLandingham. Discussion followed.

Commissioner Wells stated that she wanted to verify that the condition was acceptable.

Motion carried 5-0. A copy of the recommended condition, staff analysis and investigation, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1121-04, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

PETITION NO. 1122-04:

Chris Venice, Acting Zoning Administrator, read Petition No. 122-04, Shirley Horton, Owner, and Tracey Coker, V.P. of Fayette County Hospital, requested to rezone 2.01 acres from R-70 to O-I to utilize the subject property as an off-site Storm Water Management Facility. This property is located in Land Lot 129 of the 5th District and fronts on Sandy Creek Road. The Planning Commission recommended approval with one condition 5-0. Staff recommended approval with one condition.

Andy Jones, 275 S. Lee Street, stated he was with Integrated Science Engineering and represented Fayette County Hospital and Tracey Coker, V.P. of the hospital. Mr. Jones said this was a petition to rezone 2 acres that were adjacent to the existing hospital to O-I to use the land for a Storm Water Management Facility. He said it was the intent to keep all buffers along Sandy Creek Road. He said it was set in the back almost all the way up against the existing pond and they were trying to keep it out of the way and out of sight and still function in terms of water quality and detention.

Minutes
February 26, 2004
Page 4

Chairman Dunn asked if anyone would like to speak in favor of the petition. No one spoke in favor of the petition. Chairman Dunn asked if anyone would like to speak in opposition of the petition. No one spoke in opposition of the petition.

Motion was made by Commissioner VanLandingham to approve Petition No. 1122-04 with the one condition as agreed upon. Motion was seconded by Commissioner Frady. Motion carried 5-0. A copy of the recommended condition, staff analysis and investigation, identified as "Attachment No. 4", follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1122-04 identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

PETITION NO. 1123-04:

Chris Venice, Acting Zoning Administrator, read Petition No. 1123-04, Fayette Community Hospital, Owner, and Tracey Coker, V.P. of Fayette County Hospital, request to rezone 15.00 acres from R-70 to O-I to utilize the subject property for off-site parking for Fayette Community Hospital facilities. This property is located in Land Lot 9 of the 7th District and Land Lot 129 of the 5th District and fronts on Sandy Creek Road. The Planning Commission recommended approval with two conditions 5-0. Staff recommended approval with two conditions.

Andy Jones, 275 S. Lee Street, Integrated Science Engineering, said he represented Fayette County Hospital and Tracey Coker, V.P. of Fayette County Hospital. Mr. Jones said they requested to rezone a 15 acre parcel that was immediately adjacent to the existing hospital for parking. He said it was their intent to expand the parking to the north and to a portion of this 15 acre track. He said they had discussed it with staff and said they felt like it was agreeable in terms of the usages. He said there was a wooded buffer across the edge of this property that would segregate it for any future uses.

Chairman Dunn asked if there was anyone who wanted to speak in favor of this petition. No one spoke in favor of this petition. Chairman Dunn asked if there was anyone who wanted to speak in opposition of this petition. No one spoke in opposition of this petition.

Motion was made by Commissioner Frady to approve Petition 1123-04 with two conditions. Seconded by Commissioner Wells. Discussion followed.

Chairman Dunn asked if this was a precursor to an annexation. He said it seemed that this needed to be done quickly in order to start construction. Mr. Jones said that was correct. Chairman Dunn asked if they were intending to annex into the city. Mr. Jones said to the best of his knowledge they were not. He said they had worked out a good deal with staff on both levels and it seemed to suit the needs.

Minutes
February 26, 2004
Page 5

Tracey Coker said they did not have any intent at this time of annexation. He said there was no reason for it, this construction would suit their needs.

Chairman Dunn said he was glad to hear that. He said everyone understood the critical need to expand the services of the hospital to help the citizens have the best health care available. He said several of the members of the Board had never understood why it seemed necessary to annex each piece into the city prior to this. He said he was glad to see at this point the hospital staff did not see it necessary to annex into the city.

Chairman Dunn said if the hospital was planning to annex the decision tonight would have not been different. He said he was just trying to determine what they could be looking forward to historically.

Motion carried 5-0. A copy of recommended conditions, staff analysis and investigation, identified as "Attachment No. 6" follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1123-04 identified as "Attachment No. 7" follows these minutes and is made an official part hereof.

REVISIONS TO SOIL EROSION AND SEDIMENTATION ORDINANCE:
ORDINANCE NO. 2004-02:

Consideration of proposed amendments to the Fayette County Development Regulations regarding Article IX. Soil Erosion and Sedimentation Control. The Planning Commission recommended approval 5-0.

Ron Salmons, Director of Leisure Services and Development, stated the changes were being made because the state amended the state law to bring it into compliance with the construction activity phase of the EPDS Phase II rules. He said they were provided a model ordinance and most everything was incorporated into the current ordinance. He said in the handout provided to the Board the deletions were the items stroked through and the additions were the items that were double underlined. A copy of the handout, identified as "Attachment No. 8" follows these minutes and is made an official part hereof.

He said he would go over the major changes in the handout. He said the first major change was listed in the definitions on Page 2. He said that was an expansion of the definition of subdivision that was now defined as a larger common plan of development. He said he did not think that would impact the County. The next item of change was on Page 3. He said that was a definition of an operator. He said an operator was anyone who had day to day control of the construction activity or could be an owner or developer. He said it opened up to a multiple number of people. He said currently our ordinance stated only the property owner could obtain the land disturbance permit. He said the third

Minutes
February 26, 2004
Page 6

item was listed on Page 4. He said it was a definition of the state's general permit. He said that identified the national pollution discharge elimination system.

Mr. Salmons said the changes that would impact the County were located on Pages 5 and 6 under the exemptions. He said currently everyone operated with the lot size being the controlling factor which was now being changed to disturbed area. He said the exemption for a single house off by itself was if they disturbed less than one acre of land they were exempt from having to produce a plan and paying the fee. He said if they were a part of a subdivision regardless of size and disturbed acreage they would still have to have a plan and land disturbance permit which would require a fee. He said in the past there was a distinction between acreage size of less than 1.1 acres. He said that had gone aside with these changes.

Mr. Salmons said he was successful in convincing EPD of one change that should be made which was on Page 11. He said in 2001 a provision was added about trout streams. He said they were allowed to take that out since there were none in Fayette County.

Mr. Salmons said on Pages 12 and 13 the fees were discussed that would now be associated with the land disturbance permit. He said the fee would be based on \$80.00 an acre. He said one-half would be paid to the state or EPD, and the other one-half to the County. He said that was designed to offset the cost to the County for implementing the storm water requirements.

Mr. Salmons said one item they found that was unworkable in the 2001 changes had to do with the monetary fees. He said on Pages 21 and 22 to note the maximum and minimum fees were eliminated. He said the last change was on Page 22. He said that after December 31, 2006, anyone who dealt with the review and development of plans would have to have a certain level of training and certification and currently all of our people had that training.

Commissioner Frady had a question on the fee. He noted one-half would be paid directly to the County and one-half directly to the State. He asked if that would require writing two checks. Mr. Salmons answered that two checks would have to be written. He said it was hoped the citizen could write one check but the state had insisted they be paid directly.

Commissioner Frady said he also had a question about the fines. He asked was this considered a fine and did we have penalties setting fines. He said he thought the maximum fine against ordinances was \$1,000.

Commissioner VanLandingham said he thought that was taken away from the County and put it in the hands of the judge. Mr. Salmons that was correct.

Minutes
February 26, 2004
Page 7

Commissioner Wells asked if \$80.00 were per acre. Mr. Salmons said it was per acre of disturbed land. Mr. Salmons said it was prorated based on tenths of an acre. He said the person applying for the permit would have to provide the information to the County. He said administratively the County was looking into the future that once a subdivision had been final platted all fees would be collected at that time and there would be a generic plan that would fit all of the lots done by the developer so after the lots sold each individual homeowner/builder would not have to develop another specialized plan. He said this was a transition plan they were working on.

Commissioner Wells asked if it was conceivable that the County would have a final plat and then it be determined the land would not perk or something would not happen and the money collected would have to be reimbursed. Mr. Salmons stated those details still had not been worked out.

Commissioner Wells asked when the ordinance would take effect. Mr. Salmons replied as soon as the Board voted on it tonight.

Commissioner VanLandingham said he read the exemptions and under "Agricultural" there were a host of items but he did not see where you were cleared for a pasture. He said there were vague items such as "products of the field" which was grass. He said on Page 6 Item 5 were included raising, harvesting or storing products of the field. He said he assumed that would include grass. Mr. Salmons said that was correct. He said cultivation was exempt from the ordinance.

Chairman Dunn said he would like to point out that this was mandated from the State and the Commission would not be charging these fees to disturb land had they not been required to do so by the State of Georgia. He said there were extraordinary expenses to comply with storm water management requirements of the State and Federal government. He said this was one way they had determined to pay for it at the State and County level. He said we were required to have an ordinance that was as strict as, or more strict, than the state.

Chairman Dunn asked Mr. Salmons how would he describe this County's ordinance. Mr. Salmons replied it was identical to the State's. Chairman Dunn stated that the County did not come up with any new requirements to make it more difficult for people to work their land. Mr. Salmons agreed.

Chairman Dunn asked if there was anyone who would like to comment for or against these changes in the County ordinance. No one spoke for or against the changes.

Minutes

February 26, 2004

Page 8

Motion was made by Commissioner VanLandingham to adopt the changes in the Fayette County Development Regulations Article IX as presented.. Seconded by Commissioner Wells. Motion carried 5-0. A copy of the Soil Erosion and Sedimentation Ordinance No. 2004-02 identified as "Attachment No. 9 ", follows these minutes and is made an official part hereof.

OBJECTIVES AND POLICIES FOR EDUCATIONAL FACILITIES IN THE COMPREHENSIVE PLAN FOR 2004-2025:

Consideration of Objectives and Policies for the Educational Facilities in the Community Facilities Element of the Fayette County Comprehensive Plan, 2004-2025. The Planning Commission recommended approval 5-0.

Chris Venice, Director of Planning, explained that the Department of Community Affairs had completed its review of the Fayette County Comprehensive Plan that was sent in this fall. She said they found one deficiency and that was the objectives and polices for education facilities had not been included. She said they had prepared one objective and two policies regarding educational facilities for the Board's consideration. She said this should meet with the Department of Community Affairs' objectives. She said if the amendment was approved they would forward it to the state and hopefully complete the review process.

Chairman Dunn asked is anyone would like to speak for or against the proposed objectives and policies. No one spoke for or against the proposed objectives and policies.

Motion was made by Commissioner Wells to forward to the appropriate people the corrections that they requested. Motion was seconded by Commissioner Frady. Discussion followed.

Chairman Dunn said that this Comprehensive Plan was spectacular and set the standard.

Motion carried 5-0. A copy of the objectives and policies for education facilities, identified as "Attachment No. 10 ", follows these minutes and is made an official part hereof.

NEW BUSINESS:

CONSIDERATION OF ADOPTION OF THE KENWOOD PARK MASTER PLAN CONCEPT:

Mr. Salmons, Director of Leisure Services and Development stated that presented tonight for consideration and hopeful adoption was the master plan for Kenwood Park. He said an Open House was held on February 10 where the public had an opportunity to review

Minutes
February 26, 2004
Page 9

and provide comments on the plan. He said at the regular meeting the Recreation Commission voted and recommended approval for the plan.

Mr. Salmons introduced David West from Robert and Company to present the plan. Mr. West said he was the landscape architect responsible for the design of the Kenwood Park Master Plan. Mr. West presented a power point presentation of the Kenwood Park Master Plan.

Mr. West said the presentation identified the process used to come up with the master plan and specifics. He said step one was to look at existing conditions of the property. He said elevation was key to the property, analysis of the different features and how that would work with the design and the master plan. He said the key aspect was to understand the site. He said that was the one aspect of every project that was unique and set up the identity that was not repeated with any other project. He said included were images of the property. He said there were a vast range of characteristics including open fields with rolling topography, mature vegetation, woodland areas with dense tree canopy, and a historic railroad corridor that cut north-south through the property and tied in with the namesake of the property-the old town of Kenwood. He said there was running water on the property and a wetland area in the Northwest area of the property.

He said there was a utility corridor that ran east-west that bisected the property into two halves. He said at the highest point of the property stood large mature trees and a large amount of rock giving it an unique character. He said although not on the property but within view were silos which gave a clue as to how this land was used in the past.

Mr. West said following the photo inventory and site visits, information was transformed into two-dimensional drawings. He said one was of the existing conditions. He said it was approximately an 175 acre parcel of property, bound to the west by Georgia Highway 279, Kenwood Road to the south, and Georgia State Route 85 to the east. He said the graphic showed the green which represented the large amount of tree canopy and the lighter color represented the open areas. He said the thin red line identified the 175 acres of assembled parcels that comprised the property. He said the line that bisected the property north to south was the pipeline easement.

Mr. West said the next step was to look at the third dimension quality. He said this represented the elevation change over the property. He said the lighter colors represented the high points and the dark colors represented the low points of the property. He said from the highest to the lowest point was 100 feet of elevation change. He said each band of color was a ten foot change in the elevation.

Minutes

February 26, 2004

Page 10

Mr. West said in the center point of the property hardwoods and large amounts of bedrock were discovered. He said those could be preserved as an amenity. He said the blue arrows around the high points represented drainage patterns of the property, leading through the property to the boundaries. He said the squares represented the utility easements that bisected the property and represented limited development. He said the green area in the northern part of the property represented the conservation easement of approximately 45 acres. He said the orange dots represented the historic railroad corridor that continued from the north to the southern part of the property. He said the other arrows identified the potential access points, the main access point being Highway 279 to the west side.

Mr. West said next was the development of the master plan for Kenwood Park. He said to sum up the process of the reasoning behind the master plan was that it was a basic park concept. He said that was to design and arrange the program facilities in a manner that was respectful of the natural character of the property and conducive to phase implementation. He said to do that a system of axial relationships was set up from the main program areas within the property. He said they were north, south, east and west as far as their relationships to one another. He said connected were the layers of the natural property and the axile structure to relate the elements, and those were meshed together by the curved drives and path way connections.

He said if you broke these areas into subareas they would lead to the entrance area and baseball area of the park. He said the main entrance was winding due to the narrow width of the property from Highway 279 into the heart of the property. He said as it connected to the ballfields it joined up with the axial structure. He said that was key in helping visitors orient themselves from one area to other areas throughout the property. He said four baseball fields were shown, large to medium size layouts. He said another key feature was the parking surrounding the fields provided between the park drive and the fields so that users would not have to cross vehicle traffic coming into the park. He said with the parking surrounding the fields it provided equal access to the fields. He said beyond the fields were playgrounds, tot lots, volley ball nets and horseshoe pits.

He said the drive continued in a counter clockwise manner. He said this identified and respected the natural area and allowed it to extend closer to the active fields. He said the drive terminated at the four softball and two soccer fields. He said they shared parking, vehicle turnaround and drop off points. He said that was the end of the park drive.

He said the third area which utilized the structural axis crossed the pipeline easement in a north-south manner. He said because of the restrictions, crossings were made in a perpendicular manner. He said once the utility easement was crossed it connected with the multi-purpose green space area of the park which was more natural and passive in

theme. He said there were more tennis courts, basketball courts, horseshoe pits and volley ball nets.

He said that concluded the summary of Kenwood Park.

Chairman Dunn commented that this presentation was a result of going through other versions of the park and making changes. He said this plan was a long time coming. He said he enjoyed working with Mr. West. He said it was good that Mr. West was a Fayette County resident. He said Mr. West understood that Fayette County was different in that they wanted things more aesthetic, functional and useful.

Chairman Dunn asked how long was the walking/jogging path. Mr. West said the main trail system shown represented about two miles. Chairman Dunn said he liked the fact that the running track was flat.

Chairman Dunn said he knew a lot of time had been spent talking to the public about this park. He said the residents of Kenwood had been a pleasure to work with, especially the Allgoods, Higginbothoms and the McClures. He said they had very serious concerns and also were helpful. He said the neighborhood associations in the northern area were very active in giving their input to this park.

Chairman Dunn said this park was a tremendous addition to the catalog of parks around the County and Cities. Chairman Dunn said he appreciated all the work Mr. West, the staff and the Recreation Department had done.

Motion was made by Commissioner Wells to adopt the Kenwood Park Master Plan Concept. Motion was seconded by Commissioner Frady. Motion carried 5-0.

APPOINTMENTS TO THE FAYETTE COUNTY RECREATION COMMISSION - JOHN FELDT AND FRANK OAKLEY

Chairman Dunn stated that the Board had to choose individuals to sit on several Boards and Committees. He said in the past they had to go out and search long and hard for qualified applicants and usually only got one. He said this time there were two positions to fill and just a few moments ago there were six qualified applications for the three positions. He said one of the applicants had withdrawn and asked to be considered for a position on another Board. Chairman Dunn called for nominations.

Minutes
February 26, 2004
Page 12

Commissioner Pfeifer nominated John Feldt for the Recreation Commission position term to commence on April 1, 2004 and expire on March 31, 2008. Commissioner VanLandingham nominated Frank Oakley for the Recreation Commission position term to commence on April 1, 2004 and expire on March 31, 2008. Motions were seconded by Commissioner Wells. Discussion followed.

Commissioner VanLandingham stated he appreciated the interest the citizens had shown and their participation in making this County what it was today.

Commissioner Pfeifer said he wanted to echo what Commissioner VanLandingham said. He said he was a strong believer in the operation we had in the County which was a partnership between the public and private sectors. He said this could not be done unless we had strong and active commissioners and boards. He said he wanted to thank all the individuals who expressed an interest.

Motion carried 5-0. A copy of the memorandum, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

APPOINTMENT OF ELLEN STEINBACH TO THE FAYETTE COUNTY LIBRARY BOARD:

Commissioner Pfeifer nominated Ellen Steinbach for the position on the County Library Board. The term will fill the unexpired term of Ada Hewell Mashburn, which commenced on January 1 2004 and will expire on December 31, 2007. Motion was seconded by Commissioner Wells. Motion carried 5-0. A copy of the memorandum, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Motion was made by Commissioner Wells to approve Consent Agenda items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, and 13. Motion was seconded by Commissioner VanLandingham. Motion carried 5-0.

ELECTIONS BUDGET AMENDMENT: Approval of consideration of a budget amendment increasing FY04 revenues and Elections' operating budget line item amounts to account for reimbursement of municipal election expenses. A copy of the request identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

GRAVEL BID AWARDED TO FLORIDA ROCK INDUSTRIES: Approval of recommendation from Lee Hearn, Public Workers Director, to award the annual gravel contract bid to the low bidder Florida Rock Industries for the twelve items they were low bidder on and to award Hanson Aggregates the two items they were low bidder on. A copy

of the recommendation and bid results identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

ASPHALT BID AWARDED TO APAC SOUTHEAST, INC. Approval of recommendation from Lee Hearn, Public Works Director, to award the annual contract for asphalt to the low bidder, APAC Southeast, Inc. A copy of the recommendation and bid results identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

TRANSFER OF FUNDS IN THE SHERIFF'S DEPARTMENT: Approval of request from the Sheriff's Department to transfer funds from the General Budget fund to the Sheriff's Department Vehicle Maintenance Budget Category. A copy of the request identified as "Attachment No. 15" follows these minutes and is made an official part hereof.

DISCARD OF OLD UNIFORMS AT THE SHERIFF'S DEPARTMENT: Approval of request from the Sheriff's Department to destroy uniforms and uniform items that are no longer serviceable. A copy of the request identified as "Attachment No. 16" follows these minutes and is made an official part hereof.

HOMESTEAD EXEMPTION TAX APPROVAL: Approval of request by Jonathan Patton for a Homestead Exemption tax refund for the year 2002 in the amount of \$271.50. See Board of Commissioners minutes of March 25, 2004 meeting for a reverse of this request.

EXECUTION OF RECREATION FACILITY AND INTERGOVERNMENTAL AGREEMENT: Authorization for the Chairman to execute the Recreation Facility and Intergovernmental Agreement with the City of Peachtree City. A copy of the Agreement, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

AFTER SCHOOL PROGRAM TO BE A DIRECT RECIPIENT OF GRANT FUNDS: Approval of request from the Board of Education to allow the After School Program to be a direct recipient of grant funds from the Governor's Children and Youth Council, in accordance with grant requirements. A copy of the request and approval, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT TRANSFER OF FUNDS: Approval of request from the Sheriff's Department to transfer insurance reimbursement from General Fund to the Sheriff's Department-Criminal Investigations Division budget account. A copy of the request, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

BID OF FILTER #7 REPAIR AT THE CROSTOWN WATER PLANT: Approval of recommendation from the Water Committee to bid the Filter #7 repair at the Crosstown

Minutes
February 26, 2004
Page 14

Water Plant as a repair to match the original installation and as a change to Granular Activated Carbon (GAC). A copy of the recommendation, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT INCREASE OF REVENUES AND EXPENDITURES:
Approval of request from Sheriff's Department to increase revenues and expenditures in the Federal Confiscated Property fund in the amount of \$301,900.00. **THIS ITEM WAS WITHDRAWN FOR FURTHER DISCUSSION.**

PAVING OF QUARTERS ROAD: Approval of request to pave Quarters Road from High Grove to Alexander Ware. A copy of previous minutes reference the paving of Quarters Road, identified as "Attachment No. 21", follows these minutes and is made an official part hereof.

MINUTES APPROVED: Approval of minutes for Board of Commissioner's meeting held on February 12, 2004.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

Marc Rogers, 120 Winterthur Court, Fayetteville, stated that he wanted to let the Board know that a link on the County's website done by the 11 Fingers web design company was incorrect. He said on the web page showing links for Commissioner Meeting Minutes, clicking on the link for the November 13, 2003 Commissioner meeting minutes incorrectly opened up the November 5, 2003 Commissioner meeting minutes. He said he was very interested in reading the November 13, 2003 Commissioner meeting minutes.

Chairman Dunn said if Mr. Rogers wanted to see those minutes he could get a hard copy from one of the secretaries.

STAFF REPORTS:

AWARD OF BID TO ARWOOD AUCTION COMPANY: Mark Pullium, Finance Director, stated the construction at the Sheriff's Office had been completed. He said furniture needed to be moved out and he was asking the Board to allow a public auction to be held and to award the bid to Arwood Auction Company. He said the requirement was to

Minutes
February 26, 2004
Page 15

advertise the auction for four weeks and they needed to get that handled so that the furniture could be moved out and allow the last phase of construction to move forward.

Motion was made by Commissioner VanLandingham to award the bid of auctioneering services to Arwood Auction Company. Motion was seconded by Commissioner Pfeifer. Motion carried 5-0. A copy of the recommendation and proposals, identified as "Attachment No. 22", follows these minutes and is made an official part hereof.

EXECUTION OF TYRONE'S 2004 LARP LIST: County Attorney McNally stated the Road Department was about to do the Tyrone LARP Program for 2003. He said Tyrone's LARP Program had been approved by Georgia DOT for 2004. He asked while we were there with the equipment Mr. Hearn, Public Works Director, had requested that while the Road Department was in Tyrone to go ahead and complete the 2004 LARP list. He said this would include Crimson Ridge, Rockwood Road and Meadow Wood Lane. He said he needed from the Board authorization for the Chairman to sign the agreement with Tyrone to do the 2004 LARP list.

Motion was made by Commissioner Wells for the Board to authorize the Chairman to execute the agreement with Tyrone to do the 2004 LARP list. Motion seconded by Commissioner Frady. Motion carried 5-0. A copy of the executed Tyrone 2004 LARP List, identified as "Attachment No. 23", follows these minutes and is made an official part hereof.

BILL MCNALLY: County Attorney Bill McNally requested an Executive Session for four legal items and one item of real estate acquisition.

Commissioner Wells stated she had one legal item for Executive Session.

Commissioner VanLandingham stated he had one legal item for Executive Session.

Motion was made by Commissioner Wells to adjourn for Executive Session to address six legal items and one real estate item. Seconded by Commissioner Pfeifer. Motion carried 5-0.

EXECUTIVE SESSION:

Legal: Attorney McNally advised the Board on a legal matter.

Minutes
February 26, 2004
Page 16

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, for Attorney McNally to proceed in this matter. Motion carried 5-0.

Legal: Attorney McNally advised the Board on a legal matter.

Motion was made by Commissioner Wells, seconded by Commissioner Frady, for Attorney McNally to proceed in this matter. Motion carried 5-0.

Legal: Attorney McNally advised the Board on a legal matter.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, for Attorney McNally to proceed in this matter. Motion carried 5-0.

Legal: Attorney McNally advised the Board on a legal matter.

The Board took no action on this matter.

Real Estate: Attorney McNally advised the Board on a real estate matter.

Motion was made by Commissioner Wells, seconded by Commissioner Frady, for Attorney McNally to proceed in this matter. Motion carried 4-0. Commissioner Pfeifer was absent for the vote.

Legal: Commissioner VanLandingham informed the Board of a legal matter.

The Board took no action on this matter.

Legal: Commissioner Wells informed the Board of a legal matter.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Executive Session Affidavit affirming that six legal items and one real estate matter were discussed in Executive Session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 24 ", follows these minutes and is made an official part hereof.

Minutes
February 26, 2004
Page 17

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 11:00 p.m.

Peggy Butler, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25th day of March, 2004.

Peggy Butler, Chief Deputy Clerk