

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, April 22, 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
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

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

PETITION NO. 1127-04:

Director of Planning Chris Venice read Petition No. 1127-04, Cynthia Somers, Owner, and Audrey Massey, Agent, request to rezone 1.6 acres from R-70 to O-I to develop O-I uses. She said this property was located in Land Lot 128 of the 5th District and fronted on Sandy Creek Road (old alignment) and S.R. 54 West. She said the Planning Commission recommended approval with one condition 5-0 and Staff recommended approval with one condition.

Chairman Dunn remarked that petitioner had requested that this item be tabled.

It was the consensus of the Board to table this item to the May 27, 2004 meeting.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE V. GENERAL PROVISIONS, SECTION 5-10. ACCESSORY USES AND STRUCTURES, F. ADMINISTRATION. THE PLANNING COMMISSION RECOMMENDED APPROVAL 5-0:

Director of Planning Chris Venice remarked that this was a proposed amendment that required that any accessory structure of 200 square feet or greater be placed on a permanent foundation and also require a building permit. She said this criteria matched what the Building Department had been requiring for some time and insured that these larger structures were properly assembled and anchored. She said in addition, the proposed amendment also addressed the more and more common occurrence of the onsite trash dumpsters and storage bins and required that these uses be of a temporary nature and only in conjunction with an on going renovation project.

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Chairman Dunn asked if anyone wished to speak in favor or in opposition to this change in the ordinance. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Frady asked what had brought this issue to this point.

Ms. Venice replied that this stemmed from the proliferation of the new kind of storage container that was a cube. She said this was something that companies generally would bring to the home where it could be loaded with excess furniture or storage goods and then the company would remove it back to their site. She said in some cases the individuals were choosing to purchase these cubes and leave them on their property as a storage container. She said these cubes were not tied down or checked for setbacks, size, height, zoning or anything of that nature. She said at 200 square feet or greater, staff was recommending that this be added to the accessory structures so that there was no confusion over what was required.

Commissioner Frady asked if someone had two of the 900 square foot buildings on their property would they be tied down.

Ms. Venice replied yes, those would require a permanent foundation as well.

Commissioner Frady said he did not mind having those on the property but he would hate to start charging permits for this. He asked what it would cost to start charging permits for this and then have inspections as well.

Ms. Venice responded that the Building Department had been requiring any building of this size to have a permit already. She said this would not be a new issue but would bring the zoning ordinance into compliance with the building permit.

Commissioner Frady asked if these structures were currently being inspected.

Ms. Venice replied yes, if there was a building permit issued then they would be inspected. She said structures of less than 100 square feet needed a zoning compliance form and may or may not be inspected but at this size they were required to have a building permit and be placed on a permanent foundation.

Commissioner Frady asked if there would need to be a site plan for these as well.

Ms. Venice replied no and stated that it was required that a plat of the property be submitted so that the zoning setbacks location could be checked. She said there was no surveying cost for that.

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Commissioner Frady clarified that there was not going to be a requirement that anymore funds be spent on this building.

Ms. Venice replied that was correct not from the current building department policy.

Commissioner VanLandingham remarked that in the proposed amendment it discussed accessory structures of 200 square feet or greater and then in the next sentence it mentioned temporary structure. He asked Ms. Venice to explain the difference.

Ms. Venice replied that temporary structures by their very nature of being temporary would not require a building permit and would not be on a permanent foundation. She said they had run into problems where people were having trash dumpsters on their property for a renovation project that might continue for eighteen months with no end in sight. She said there was no way currently to limit that kind of location.

Commissioner VanLandingham felt a dumpster was not a structure.

Ms. Venice replied that according to the zoning ordinance definition of structure it was. She said a structure was defined as any combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water.

Commissioner Frady asked if a dump truck would be the same thing.

Ms. Venice replied no, that was on wheels.

Attorney McNally interjected that if the body was taken off a dump truck and put on the ground, it would be a storage bin.

Commissioner VanLandingham questioned the temporary pods as being temporary buildings.

Ms. Venice replied that under this ordinance amendment they would be temporary if they were there one year or less. She said currently if they were on a piece of property, they would be considered permanent.

Commissioner Frady clarified that these structures were considered buildings whether they had a roof on them or not.

Ms. Venice replied yes that was correct. She said nothing would change from the way the county was currently enforcing this regulation. She said they were only adding similar wording to the zoning ordinance to comply with the building department.

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Commissioner VanLandingham remarked that previously Ms. Venice had said that this would bring the zoning ordinance into compliance with the permitting process.

Ms. Venice replied yes, that was correct.

Commissioner VanLandingham asked how a permitting process was put in place without an ordinance backing it.

Ms. Venice remarked that was the policy that the Building Department has had for years that sets the limit of 200 square feet or greater requiring a building permit. She said that had never been reflected in the zoning ordinance because the zoning ordinance did not deal with building permits per se.

Commissioner Frady asked if someone was renovating their home and put a dumpster on their property would they need a permit.

Ms. Venice replied no, they would not need a permit for a temporary use.

Commissioner VanLandingham said he would like to table this discussion and Commissioner Frady agreed.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to table this item to the May 13, 2004 meeting. The motion carried 4-0. Commissioner wells was absent.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATION, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, S.R. 54 WEST AND S.R. 74 SOUTH OVERLAY ZONES; B. S.R. 85 NORTH OVERLAY ZONE; AND C. GENERAL STATE ROUTE OVERLAY ZONE:

Chairman Dunn announced that this item had been tabled by the Planning Commission to their May 6, 2004 meeting.

ORDINANCE NO. 2004-05 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE III. DEFINITIONS, SECTION 3-95. SUBDIVISION AND FAYETTE COUNTY SUBDIVISION REGULATIONS REGARDING SECTION 2. DEFINITIONS, SECTION 2-19. SUBDIVISIONS:

Director of Planning Chris Venice remarked that these amendments insure that the definition of subdivision was consistent between the zoning ordinance and the subdivision regulations. She said currently this was not the case. She stated that this amendment would not only eliminate any confusion and inconsistencies between these two ordinances but would also assist the engineering department with the implementation of the soil erosion and

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sedimentation control ordinance that was just adopted this past February. She said the proposed definition exempted larger lots from the requirement of providing an erosion and sedimentation control plan that must be prepared by a qualified surveyor or engineer.

Chairman Dunn asked if anyone wished to speak in favor or in opposition to this change to the ordinance. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Pfeifer, seconded by Commissioner VanLandingham to approve Ordinance No. 2004-05 amending the Fayette County Zoning Ordinance regarding Article III. Definitions, Section 3-95. Subdivision and the Fayette County Subdivision Regulations regarding Section 2. Definitions, Section 2-19. Subdivisions. The motion carried 4-0. Commissioner Wells was absent. A copy of Ordinance No. 2004-05, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

DISCUSSION BY STEVE JUSTICE REGARDING REMOVAL OF THE EXTENSION OF SANDY CREEK ROAD FROM THE COUNTY'S MASTER TRANSPORTATION PLAN:

Steve Justice said he was representing the citizens alliance of West Fayette comprised of local citizens concerned with transportation development issues in the community. He asked the group to stand to show their presence. He said they had joined together to study and discuss proposed projects in the Fayette County transportation plan that would affect the local community. He said they were specifically concerned about project R-2 which was the proposed extension to Sandy Creek Road to Mann Road and Trickum Creek Road area. He said the transportation plan stated that project R-2 was intended to connect Sandy Creek Road to Palmetto Road to create a bypass for East/West traffic across the county. He said the project would extend Sandy Creek Road across Georgia Highway 74 to Mann Road and Trickum Creek Roads, which were currently unpaved country roads, and would then be paved to provide a connection to Palmetto Road. He said combined with other improvements planned to join the East end of Sandy Creek Road to Lester Road the roads would provide a cross county connector to the planned West Fayetteville connector. He said it had been stated in public meetings and press accounts that the project was requested specifically by the Town of Tyrone and rated a high priority while projected improvements to Palmetto Road were posed by Tyrone and rated a low priority. He said since that time they had met with the Tyrone Town Council and last week three of the five members of the Council voiced their opinion that they would like to remove project R-2 from the plan. He said that would come up again when Tyrone had its vote in support of the referendum coming up in the next month or so.

Mr. Justice further remarked that as homeowners in the affected area they were concerned that project R-2 as proposed would funnel over 7,000 cars per day into the area. He said the project as presented would not resolve traffic problems but would instead move the traffic problems from one location to another. He said project R-2 was much more expensive than other options that would better address the problem. He said the total planned route for the

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Trickum/Mann/Sandy Creek bypass was approximately 10.1 miles long with five miles of brand new roadway. He said the purchase of right-of-way, clearing, grading and paving would be a substantial cost as compared to upgrading of existing roadway. He said the proposed East extension of Sandy Creek Road to Lester Road runs through current commercial development along Georgia Highway 54 and through a new planned middle school on Lester Road. He said the Fayette County Board of Education had already expended significant funds to grade and prepare that property so that the purchase value would not be insignificant for right-of-way. He said it must also be noted that the Mann/Trickum Creek area contained bedrock formations many of which lie at or just below road level. He said it was likely that any grading associated with the new road would be impacted by these formations escalating the cost well beyond the current estimates.

Mr. Justice further remarked that by comparison an alternate route between the same end points using Palmetto and Tyrone Roads was 6.1 miles long with only .5 miles of new roadway required at the East end to adjoin to Lester Road. He said the short extension was a relatively flat area with no significant rock formations. He said Tyrone Road crosses Georgia Highway 54 only .8 of a mile South of the projected new Sandy Creek Road crossing therefore resulting in no significant difference in traffic impact to Georgia Highway 54. He said the Palmetto Tyrone Road route would tie directly with traffic from Coweta County and Interstate 85. He said the proposed Trickum/Mann/Sandy Creek route was 57% longer with ten times the amount of new right-of-way in roadway as compared to the Palmetto Tyrone Road route. He said based on these factors and ignoring potential bedrock issues, the cost of the Trickum/Mann/Sandy Creek Road route would be significantly greater than the lower cost Palmetto Tyrone Road option. He said it was also anticipated that even if the longer route was developed, travelers would continue to use the shorter Palmetto/Tyrone Road route that currently served as a defacto cross county road in West Fayette.

Mr. Justice further remarked that the plan also did not address the traffic congestion caused by the railroad crossing at Palmetto Road and Tyrone Road. He said it should also be noted that Sandy Creek Road crosses the same rail line and no plans for a railroad over pass/under pass were presented in the transportation plan at either crossing. He said the transportation plan itself showed that the implementation of the plan would simply move the projected congestion at the Palmetto Road rail crossing to the Sandy Creek rail crossing. He pointed out in the U.R.S. consultant's map showed that congestion was now cleared up at the Palmetto Road area and Tyrone Road moves down to less than 15% utilization while Sandy Creek Road had a very prominent congestion point over 60% utilization where the railroad tracks cross. He said this was simply moving a problem area from one location in the county to another. He stated that the project would also have negative impacts on traffic on Georgia Highway 74. He said as Tim Preece U.R.S. stated at last week's Tyrone Council meeting the main impediment to traffic on Georgia Highway 74 was the increasing number of crossings of the highway between Peachtree City and Interstate 85. He said the Sandy Creek extension would create another high volume of Georgia Highway 74 while retaining the existing

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commercial corner at Tyrone Road. He said with all of these factors taken together, Project R-2 would not relieve the traffic problems experienced in the West Fayette area. He said it was the opinion of the citizens alliance of West Fayette that the county would be better served by eliminating the sandy Creek extension from the transportation plan and devoting those resources to improvements to the existing defacto cross county route Palmetto and Tyrone Roads. He said significant commercial development already existed with more plan along Palmetto and Tyrone Roads within Tyrone businesses that would be well served by improvements to these roads. He said this group was already organized and ready to support a Special Purpose Local Option Sales Tax referendum and candidates that support the group's opinion. He said they were equally prepared to oppose any referendum and candidates that advocate the ill advised Sandy Creek extension plan.

Chairman Dunn asked if the Board had any questions. He said he wished Mr. Justice had left off the last sentence regarding the Special Purpose Local Option Sales Tax.

Commissioner Frady interjected that he would be making his decision not based on the issue of the Special Purpose Local Option Sales Tax involvement. He said he felt the Local Option Sales Tax should go through and he hoped that it did. He said it was his understanding that Tyrone had asked that this be put on there and it was also his understanding that Tyrone was asking for it to be taken off the plan.

Chairman Dunn said he did not know what went on at the Tyrone meeting. He said he would like to comment on what had occurred. He said Mr. Preece and U.R.S. had done the study that had taken approximately one year and a half. He said they had come up with two plans to run traffic across that part of the county stating to the County that it was very necessary to increase the East/West and North/South ability to move traffic through the County and basically this was being done in many areas. He said there were two options – Alternative 1 and Alternative 2. He said Public Works Director Lee Hearn, Tim Preece of U.R.S., Tyrone Town Manager Barry Amos, Tyrone Mayor Sheryl Lee, the consultants and himself sat down and discussed this with each City individually. He said probably in the last two years there had been approximately five or six meetings with each jurisdiction. He said they had discussed these two roads. He said it was basically the county's position that either road would be acceptable. He said of the two alternatives this one had been chosen.

Mr. Justice said they understood that and had read the minutes from those meetings. He said that was the reason their first meeting was with the Tyrone Town Council to get an opinion other than the mayor's and the town manager.

Chairman Dunn said this was no different from when he and the County Manager had lunch with the mayor and the town manager approximately two weeks ago. He said at that time they still wanted the road at this location despite the fact that this group was objecting to it. He said they were also trying to keep the traffic from going into Tyrone. He said they had also pointed

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out that the Wieland subdivision was coming all the way out to that road now and they were going to be required to pave part of it. He said part of the road was in Tyrone and part of the road was in the unincorporated county and another part of the road was half and half. He said there was a jurisdictional problem there from one end to the other. He said so far they had tried to accommodate the other jurisdiction. He said he would have to meet with the consultant again especially if he was now saying that he did not want either one of these.

Mr. Justice interjected that he had not said that. He said Mr. Preece had stated an opinion that the major impediment to Highway 74 traffic were the numerous East/West crossings and that one way to improve that traffic was to limit the number of East/West crossings of Georgia Highway 74. He said this extension project would create another one of those crossings.

Chairman Dunn replied yes it would but it was the consultant's suggestion that this be done. He said the county had paid dearly for that suggestion and all of the others.

Mr. Justice said his group would very much like to see a cost benefit analysis in detail of these two proposed routes comparison in terms of cost and actual traffic flow.

Chairman Dunn said he would also like to point out that the first time they had chosen this road, Council member Lyn Redwood was not on the Board. He said in lieu of what Mr. Justice had said tonight and what he was reporting about Mr. Preece's comments as well as the Town Council, that it was incumbent upon the Board to relook this with Mr. Preece and talk to the Town again. He said as far as U.R.S. was concerned, the Board did not want to put something in here that would not have its desired affect. He said secondly, if the Town of Tyrone did not care which project was done then they need to tell the County that. He said the Town had a very strong preference and reiterated it less than two weeks ago to the County Manager and himself. He said the Board would look at this again although he did not know what would happen with it. He said he would keep Mr. Justice and the citizens alliance of West Fayette informed.

Mr. Justice said they had talked with Tyrone and they were aware of the vote that was scheduled to indicate support for the Local Option Sales Tax. He said based on the comments of the Tyrone Town Council members he understood their approval of the referendum would be contingent on the removal of R-2.

Chairman Dunn asked for clarification that Mr. Justice had just said that the Tyrone Town Council's approval of the Special Purpose Local Option Sales Tax would be contingent on what the Board did with regard to this project.

Mr. Justice replied yes that was correct. He said they would be following up with the Town Council on that issue. He pointed out that the Town of Tyrone did not speak with one voice.

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He said the Mayor and the Town Manager were not the only voice and in the end the Town Council would have a vote on this.

Chairman Dunn said the desired affect was moving traffic more quickly East/West and North/South and there was not a whole lot of land anymore to accomplish that easily.

Commissioner Frady asked for the cost of R-2.

Lee Hearn replied that it was a little over \$5 million in future money. He said one alternative was tying into Jenkins Road at the quarry and coming out and tying into Trickum Creek Road and the other alternative was coming out Sandy Creek Road and extending it across S.R. 74 and coming out North of the quarry and tying into Mann Road and then come across and tie into Trickum Creek Road. He said these were the two alternatives. He said in their discussion with Tyrone, it was pointed out by the Town Manager that on Jenkins Road there were a lot of schools and already a lot of congestion and they would much prefer that traffic not be routed in an already congested area. He said this was the reason in the final plan that one did not see anything but the northern route tying Sandy Creek to Mann Road to Trickum Creek Road.

Mr. Hearn further remarked that if there was a connection over to Palmetto Road and out to Sandy Creek Road, Lees Mill and Kenwood there would be a very continuous route East/West across the northern end of the county. He felt this was the intention in speaking with Tim Preece and looking at some other points in the study of what his desired result was. He said he would certainly be happy to talk to Mr. Preece and get some further clarification.

Chairman Dunn remarked that according to the transportation expert there was a need to move traffic East and West in the northern part of the county.

Commissioner Frady asked if the traffic would be funneled into Palmetto Road and Mr. Hearn replied yes that was correct.

Chairman Dunn commented that the more the Jenkins Road area was looked at it was obvious that there was a lot of bumper to bumper traffic in the mornings and in the afternoons at all of the schools. He said it was later felt that this would not be a good choice. He said the Board of Commissioners would have to get a communicae from Tyrone about this. He said he understood what Mr. Justice was saying but he had spoken with the Mayor of Tyrone today and she had not said much. He said it was his assumption that there was no change in her and Barry Amos' recommendation because they had not said that there was. He said he was also a little concerned about Mr. Preece's comments if in fact Mr. Justice had those accurate. He said Mr. Preece was certainly advocating very strongly for this road when he had brought the project to the Board. He suggested that the Commission get together with these two entities.

Commissioner Frady asked how many miles it was from Sandy Creek down to Tyrone Road.

Mr. Hearn replied it was approximately .8 of a mile.

Chairman Dunn said the goal would not be achieved by sending the traffic down to S.R. 54.

Mr. Justice remarked that in reading the transportation plan it said that the intention of those multiple projects was to connect the East end of Sandy Creek Road to Lester Road. He said if that was the intention of that series of projects R-2, I-2 and R-28, that would not be the most direct route nor was it the most cost efficient route. He said if there were different assumptions for this road, they were not stated in the transportation plan and his group would like to see those as well. He said they had been working from the transportation plan as printed by U.R.S.

Chairman Dunn remarked every single place that a road could be built would cause a problem for somebody. He said a lot of people will call and say that they do not want a road to go in but were also complaining about all of the traffic problems. He said these traffic problems were growing worse every day. He said the Board had that dilemma when it was trying to build a project of the magnitude of what was being done here and that was a county wide transportation plan that would move traffic East/West and North/South better than it did today. He said the traffic pressure on S.R. 54 and S.R. 74 needed to be relieved.

Commissioner Frady asked if Mann Road was being built directly to take traffic down to Trickum Creek Road and on to Palmetto Road.

Mr. Justice remarked that in the transportation plan it predicted that in 2025 that 7,000 cars per day would pass through that corridor.

Chairman Dunn interjected that a lot of it was to service all of the developments that were going in up in that part of the county. He said it used to be vacant land there but now there were 300 and 400 home developments there.

Mr. Justice said they had questioned the developments that were directly adjacent to S.R. 74 that might actually take the back route of a number of miles to connect to Georgia Highway 85 instead of traveling on S.R. 74.

Mr. Justice said he had not expected an answer from the Board tonight on this issue. He said his group did question when the transportation plan would be finalized for the S.P.L.O.S.T.

Chairman Dunn replied that the transportation plan was already basically finalized but that did not mean that this had to be in it. He said this was one of 71 projects that the S.P.L.O.S.T. would be supporting. He said it would not be done tomorrow but several years from now

before that could be done. He said there would not be enough money in the S.P.L.O.S.T. for all of these projects anyway.

Mr. Justice said they understood that as well. He said they would like to know one way or the other if this project would still be in the plan so that they could finalize their actions as to how they would campaign either for or against the S.P.L.O.S.T.

Chairman Dunn felt it was incumbent on the Board to sit down with the consultants as well as the leadership in Tyrone to determine their wishes.

Mr. Justice said they planned to go back to Tyrone in order to get a definitive on record answer from them on this project. He said they would continue to follow up with the Board as well and looked forward to being involved in discussions with Public Works and U.R.S. on this issue. He said they were not against development but if \$100 million was going to be spent, they wanted it to be spent right.

Chairman Dunn said he could not speak for the other Board members but if the consultants had said that this was not needed then money would not be spent on it.

Mr. Justice remarked that he was a licensed professional engineer and a consultant himself. He said he understood the strictures in which consultants work when dealing with public projects. He said sometimes opinions were not necessarily the ones that hold sway because there were other social and political issues that get involved.

Chairman Dunn said he understood what Mr. Justice meant by that comment. He said the Board had asked the consultants to draw up a county wide plan and no one on this Board had directed any of them as to what to do with it. He said the Board informed the consultants of the problems with traffic and asked that they analyze it. He said the Board also had modeling of this road and the impact that it would have on everything that it would have around it. He said this Board did not want to do anything dumb or anything that would waste money. He said the Board did want to have a good road network throughout the county. He said a little more homework might need to be done.

Commissioner VanLandingham said he too wished Mr. Justice had not made the last statement. He said there were some implications there that clouded the real issue here. He said he had talked with some citizens in that area and he had expressed to them his position on this. He said his first consideration was to move traffic, the second one was the cost and the third one was the inconvenience that it would cause citizens. He said it did not matter where a new road went, but it would inconvenience someone. He said Mr. Justice was asking the Board to transfer this to someone else's backyard. He said the way that was the least disruptive would be the way he would go. He said he had looked at this and he was having a hard time understanding where 7,000 cars were going to go. He said at first glance Tyrone

Road looked like the best way to do it. He said it would cost a lot less money because the roads were already there. He said he too would look at it a lot closer than it had been looked at. He said Mr. Justice was asking the Board to remove this from the transportation plan so that they could form their vote. He said this might not be done by the time of the vote. He said Mr. Justice and this group might have to form their opinions without that. He said he hoped that Mr. Justice had enough confidence in the government because the Board had proven in other areas that they did what was best for Fayette County and they would be doing that here. He said this would inconvenience someone. He said a new road could not be built without inconvenience. He felt there was no one in this room tonight who did not feel like there needed to be some new roads.

Chairman Dunn said the Board was in a situation now that this entire plan had been approved by all of the governments in Fayette County including Tyrone. He said if the Board determined that this was inappropriate, then it would have to be removed from the plan or change it in some way. He said there would be no vote involved regarding the entire plan. He said the whole plan was already done. He said the Board would have to do some homework and get back to Mr. Justice on its findings.

CONSENT AGENDA: Commissioner Pfeifer requested item no. 5 be removed for discussion. On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve consent agenda item nos. 1, 2, 3, 4, 6, 7, 8, 9 and 10 as presented. The motion carried 4-0. Commissioner Wells was absent.

RESOLUTION NO. 2004-08 - ADOPTION OF THE FAYETTE COUNTY COMPREHENSIVE PLAN 2004-2025: Approval of Resolution No. 2004-08 adopting the Fayette County Comprehensive Plan 2004 to 2025; Approval to sell individual Plans at a cost of \$50 per copy. A copy of Resolution No. 2004-08, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

FIRE SERVICES: Approval of request from Chief Jack Krakeel to transfer insurance funds in the amount of \$10,759.06 from the general fund to Fire Services Operations line item 27030520-522233 vehicle repair. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

SANDY CREEK ROAD (OLD ALIGNMENT) NAME CHANGE: Approval of request from Director of Zoning Aaron Wheeler to change the name of the old alignment of Sandy Creek Road to Old Sandy Creek Road. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part

AMERICAN CANCER SOCIETY - RELAY FOR LIFE: Approval of request from the American Cancer Society to waive the noise ordinance on May 7th and May 8th, 2004 for the annual Relay for Life event at the Kiwanis Fair Grounds. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

ELECTIONS OFFICE - VOTING MACHINES: Approval of request from the Director of Purchasing Tim Jones to purchase 47 Touchscreen Voting Machines from Diebold Election Systems, Inc. per the Secretary of State for a total price of \$130,885.30. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

Commissioner Pfeifer remarked that the reason he had asked this item to be removed was because the vendor of the voting machines was one of his larger customers. He said he did not believe that this violated any of the ethics ordinances in place but he preferred not to work on this issue.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve the request from the Director of Purchasing Tim Jones to purchase 47 touchscreen voting machines from Diebold Election Systems, Inc. per the Secretary of State for a total price of \$130,885.30. The motion carried 3-0-1 with Commissioner Pfeifer abstaining from the vote. Commissioner Wells was absent.

TAX REFUND REQUEST: Approval of recommendation to approve a tax refund to Smith Auto Truck in the amount of \$119.18 for the year 2003.

TAX REFUND REQUEST: Approval of recommendation to approve a partial tax refund in the amount of \$85.15 to Robert Fink.

FIRE SERVICES: Approval of request from Chief Jack Krakeel to transfer insurance funds in the amount of \$9,013.77 from the general fund to Fire Services Operations line item 27030520-522233 vehicle repair. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

FAYETTEVILLE CELEBRATES AMERICA BANNERS: Approval to purchase 10 banners at \$75 each for participation in "Fayetteville Celebrates America" event from March 1, 2004 through September 11, 2004. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

TWO RIVERS RESOURCE, CONSERVATION AND DEVELOPMENT COUNCIL, INC.: Approval of appointment of Commissioner VanLandingham to the Two Rivers Resource, Conservation and Development Council, Inc.

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.

There was no public comment.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss two real estate matters and four legal items.

EXECUTIVE SESSION: On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to adjourn to executive session to discuss two real estate matters and four legal items. The motion carried 4-0. Commissioner Wells was absent.

REAL ESTATE: Attorney McNally reported to the Board on a real estate matter.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed in this matter. The motion carried 4-0. Commissioner Wells was absent.

REAL ESTATE: Attorney McNally discussed a real estate matter with the Board.

The Board took no action on this matter.

LEGAL: Attorney McNally discussed a legal item with the Board.

The Board took no action on this matter.

LEGAL: Attorney McNally discussed a legal item with the Board.

The Board took no action on this matter.

LEGAL: Attorney McNally discussed a legal item with the Board.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to authorize Attorney McNally to proceed in this matter. The motion carried 4-0. Commissioner Wells was absent.

LEGAL: Attorney McNally discussed a legal item with the Board.

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On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed in this matter. The motion carried 4-0. Commissioner Wells was absent.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that two real estate matters and four legal items were discussed in executive session. The motion carried 4-0. Commissioner Wells was absent. A copy of the Affidavit, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 10:05 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 13th day of May, 2004.

Karen Morley, Chief Deputy Clerk