

The Board of Commissioners of Fayette County, Georgia met in Official Session on May 27, 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
Dennis Davenport, County Attorney
Chris Venice, Director of Community Development
Aaron Wheeler, Zoning Administrator
Carol Chandler, Executive Assistant
Peggy Butler, Chief Deputy Clerk

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

PRESENTATION:

Jack Krakeel, Director of Public Safety, stated it was a pleasure to present another milestone in the hospital emergency cardiac care in Fayette County. He said he wanted to recognize two individuals and give a historical perspective as to the achievements in the last twenty years. Chief Krakeel asked Deputy Chief Allen McCullough and Captain Steve Folden to step forward. Chief Krakeel said Deputy Chief Allen McCullough should be given the credit for moving this community forward and taking an active leadership and visionary role. Chief Krakeel said Deputy Chief McCullough had been a staunch advocate of improving cardiac care. Chief Krakeel said cardiac arrest was the leading cause of death in Fayette County.

Chief Krakeel said Captain Steve Folden had trained over 250 county employees this past year, not only in CPR but in the use of the automatic defibrillator device.

Chief Allen McCullough said he wanted to give a historical perspective of the defibrillator program. He said the number one cause of death and disability in Fayette County was cardiovascular disease. He said that data was from the American Heart Association. He said that included heart attacks, high blood pressure, strokes, vessel disease and cardiac arrest. He said cardiac arrest was a very time dependent emergency process. He said Fayette County was making it possible to provide the automatic external defibrillator to restart the heart. He said 20 to 30 years ago, only doctors could use a defibrillator, 25 years ago paramedics and nurses could use a defibrillator, and now we were to the point where the general public could be trained to use an AED. He said 17 years ago, EMT's

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were allowed to use this device. He said Fayette County became the first county in Georgia to put the AEDs on their fire trucks.

He said in 1996 the legislature allowed the public, who were trained, to use the AED device.

He said in 1998, through a Grant, Fayette County was able to get 30 of the AED devices out into the community. These devices went to the Fayette County Sheriff's Department, the Marshall's Office, Peachtree City Fire Department, Peachtree City Police, Fayetteville Fire Department, Fayetteville Police, Tyrone Fire Department and Tyrone Police.

Deputy Chief McCullough said the County had purchased 35 more defibrillators, and they had been distributed throughout the Fayette County government facilities including the Recreation facilities. He said the goal was to give the very best chance for survival to anyone in Fayette County that went in to cardiac arrest.

Commissioner Pfeifer thanked Chief Krakeel and his staff for being on the cutting edge of providing this service to the community and setting the pace for everyone else.

Chairman Dunn thanked Chief Krakeel, Deputy Chief McCullough and Captain Folden for doing such a terrific job. He said he wanted to mention that all emergency vehicles in Fayette County were equipped with an AED.

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

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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 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:

Consideration of a Packaged Beer and Wine Sales Permit for The Right Stuff Food Store #38, 2866 S.R. 85 North, Fayetteville, Georgia. Robert Wendell Eaves, Jr. and Robert Wendell Eaves, III, Owners, and Robert Wendell Eaves, III, Agent. This property is located in Land Lots 232 and 233 of the 5th District, fronts S.R. 85 North and S.R. 279, and is zoned C-H. This is a new location approval.

County Attorney Dennis Davenport said this item dealt with an application for an alcoholic beverage sales permit in unincorporated Fayette County. He said these applications were reviewed in the County Attorney's office. He said during that review several issues surfaced that needed to be brought to the Board's attention.

Attorney Davenport said one issue was that in 1999 an employee of the Company was cited for failure to properly ID prior to an alcohol sale. He said in April of 2003, the business owner was cited for selling alcohol to someone under 21 years of age. He said with respect to legal sufficiency all information had been provided and reviewed and these were the only two items that surfaced.

Chairman Dunn asked if there were any comments on this issue, either for or against it.

Ralph Helmtzman, 4105 Falcon Shore Court, Acworth, said he represented The Right Stuff Food Stores. He said the stores had been in business 17 years and they operated 23 stores. He said the two incidents the attorney referred to did occur in their business. He said this was something they tried to prevent. He said they participated in the secret shopper program that monthly spot checked stores who sold alcohol and tobacco. He said in the employee package there was a training program that trained employees how to ask for ID and stressed the importance of insuring the purchaser was age 21 or above. He said they would try to do a very good job in Fayette County. He said they took over store No.

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38 in Fayette County on November 1 of last year. He said in order to make it viable, they needed to sell alcohol along with tobacco, lottery tickets, etc.

Commissioner VanLandingham said he had several questions and an observation. He said he could understand an employee failing to ID, but the way he read the material it was one of the co-owners.

Mr. Helmtzman replied that the store was located in Warner Robbins. He said it was an employee who failed to ID, but the licensee was held responsible for the employee. He said it was not the owner but the employee who failed to ID the customer.

Commissioner Wells asked if there were two separate incidences. Mr. Helmtzman replied that there were two incidents, one in downtown Atlanta and one in Warner Robbins.

Chairman Dunn asked Attorney Davenport who committed the violation, the employee or the owner. Attorney Davenport said a state citation generally went against the license holder of the state license. He said the information he had named the gentleman as the license holder but did not say that he was the person who sold the alcohol.

Commissioner Wells said the confusion was in the first case the co-owners were held responsible and in the second case it looked as though the employee was the one held responsible. She said both were selling alcohol to minors or failing to ID.

Attorney Davenport said he wanted to read the pertinent part of the citation. He said the charge was on or about April 16, 2003. "You, or an employee at your place of business, did sell alcoholic beverage to a person under 21 years of age". He said from the state's perspective, they are not looking at citing an employee, they are looking at the mark against the licensee.

Chairman Dunn said he understood that this kind of thing could happen. He said once it happened, increased observation of the workforce and policy enforcement should take place. Chairman Dunn said this community would not tolerate stores who sold to minors.

Commissioner Frady said if the company had taken care of their employees and cleared the company of those kind of people, then he had no problem of giving them a chance to carry on.

Commissioner Pfeifer said he would second the motion based on Commissioner Frady's reasoning.

Motion was made by Commissioner Frady, seconded by Commissioner Pfeifer, to approve a packaged beer and wine sales permit for The Right Stuff Food Store #38. Motion carried 3-2, with Commissioner VanLandingham and Commissioner Wells voting in opposition. A

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copy of the application, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

PETITION NO. 1127-04:

Consideration of 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. This property is located in Land Lot 128 of the 5th District and fronts on Sandy Creek Road (old alignment) and S.R. 54 West. The Planning Commission recommended approval with one condition 5-0. Staff recommended approval with one condition. This item was tabled from the April 22, 2004 Board of Commissioners' meeting.

This item was withdrawn at the request of the petitioner. A copy of the request for withdrawal, identified as "Attachment No. 2," follows these minutes and is made an official part hereof.

PETITION NO. 1128-04:

Zoning Administrator Aaron Wheeler read Petition No. 1128-04 Lee Center North, LLLP, Owners, and Julian H. Lee, Jr., Agent, request to rezone 12.698 acres from M-2 to M-1 to permit light industrial uses. This property is located in Land Lot 219 of the 5th District and fronts on S.R. 314, Bethea Road and Longview Road. The Planning Commission recommended approval subject to the recommended condition (4-0). Staff recommended approval subject to the recommended condition.

Charles Ballard, 113 Glynn Street, Fayetteville, GA stated he was pleased to represent Julian Lee. He said Mr. Lee was going to upgrade his zoning and was going to donate right-of-way to the County as requested. Mr. Ballard said he was available to answer any questions.

Chairman Dunn asked if there was anyone in the audience who wanted to speak in support of the petition. No one spoke. Chairman Dunn asked if anyone wanted to speak in opposition of this petition. Two people stood in opposition.

Frances Bethea Wood, 105 Bethea Road, said she lived directly across the street from the proposed zoning. She said she was concerned about the widening of the road and what they were going to do to her side of the road. She said she had problems with the other zonings but now trees had grown and made a buffer that helped block the plant. She said she was opposed to this petition. She said she did not know exactly what was going to be done with this zoning. She said she had not seen a plan. She asked if there was a land plan that went all the way to Longview.

Mr. Wheeler said the land plan went half way to Longview.

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Commissioner Wells said she thought Ms. Wood's question would be best addressed by Mr. Ballard when he got back up to speak. She said she wanted Ms. Wood to know they were not ignoring her question.

Chris Venice, Director of Community Development, clarified that the zoning went all the way to Longview, but the land use stopped half way.

Commissioner Wells told Ms. Wood if she had any more questions, that Ms. Venice and Mr. Wheeler would be glad to talk with her.

Tom Ogle, 304 Longview Road, said he bought his property in 1965. He said on the M-2 zoning, that property was zoned incorrectly when Lee first got his zoning for the big building on 314. He said they zoned the wrong property and it was a big mix up. Mr. Ogle said he owned land down to Phillips Lake and he wanted to know how his property was going to be effected by the rezoning.

Charles Ballard responded that in so far as to the concerns these two citizens had, the rezoning of this property would cause no effect to them with respect to the use of the property.

Chairman Dunn clarified with Mr. Ballard that he heard him say, in answer to the question from the two citizens concerned that lived off Longview, that on their side of the street there was going to be no impact. Mr. Ballard said that was correct.

Chairman Dunn said as part of the rezoning action, they had been asked to donate right-of-way on their side of the street. He said the citizens should be unaffected. He said they were asking for M-1 zoning so that heavy industrial work would not be able to move in there.

Julian Lee, 159 Mallard Creek Lane, said that on the right-of-way issue he was going to do a quit claim deed on property that was considered the Bethea Road right-of-way. He said he was also going to donate a portion of property at Old National Highway. He said that property was zoned A-R.

Commissioner Frady asked if that property was a prescriptive easement. Commissioner Frady asked if he was going out 25 feet measured from the center line on both sides of the Bethea Road. Mr. Lee said he did not own the property but would give a quit claim deed.

Mr. Lee said any use of the property should not effect the surrounding residents.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Frady, to approve Petition No. 1128-04 with one condition. A copy of the Staff's Recommendation, Analysis and Investigation, identified as "Attachment No. 3", follows these minutes and is

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made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1128-04, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

Commissioner Pfeifer said he viewed this rezoning as a step down to what was already there.

Commissioner Wells said she hoped the two residents that were concerned about this rezoning could understand what Mr. Lee was doing. She said he was putting conditions on himself that he could not put highly, intensive industrial use on that property. He was willingly stepping it down. She said granted it was for his own financial benefit but the positive effect was that there was not going to be anyone who could come in the future and create a situation that could be more burdensome for the residents.

Motion carried 5-0.

PETITION NO. 1129-04

Zoning Administrator Aaron Wheeler read Petition No. 1129-04 H. Brian Jackson, Owner, and Southeast Properties, Inc., Agent, request to rezone 4.766 acres from O-I to C-H to develop Retail Development. This property is located in Land Lot 182 of the 5th District and fronts on S.R. 54 East and Corinth Road. The Planning Commission recommended approval subject to a revised recommended condition #3, and the deletion of recommended conditions #1 and #2. (4-0). Staff recommended approval with three (3) recommended conditions.

Josh Bonner, 129 Memory Lane, Stockbridge, Georgia said he worked for Southeast Properties who represented Brian Jackson in this petition. He said the property contained approximately 4.7 acres and was located just off the southwest corner of S.R. 54 and Corinth. He said their request was to rezone subject property from O-I to C-H. He said this was in keeping with the County's land use plan. He said the concept plan complied with the current zoning ordinances applicable to the commercial highway designation as well as those stipulated in the general state route overlay zone. He said he wanted to give a briefing of the site plan generated for this request. He said the subject project was part of a larger tract. He said Mr. Jackson's intent was to sell this property as a commercial highway piece. He said it was the intent for part of this to become a retail development.

Chairman Dunn asked if there was anyone who would like to speak in favor of this petition.

Brian Jackson, 200 Seay Road, said he was very much in favor of this petition.

Chairman Dunn asked if there was anyone opposed to this petition. Three people stood in opposition to this petition.

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Motion was made by Commissioner VanLandingham, seconded by Commissioner Dunn, to approve Petition No. 1129-04 with the rezoning from O-I to C-C instead of CH and with one condition. Discussion followed. A copy of the Analysis and Investigation, identified as "Attachment No. 5", follows these minutes and is made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1129-04, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

Commissioner VanLandingham stated that he had read the planning/zoning workshop minutes. He added he had asked the Director of Community Development if commercial community (C-C) would be an appropriate zoning and whether staff could support C-C because of some existing circumstances which were the church across the road and the widening of the road that would eliminate a building across Corinth Road and the houses in back. Chris Venice, Director of Community Development, said C-C was appropriate and that staff could support C-C. Commissioner VanLandingham said he felt commercial community (C-C) would better service the citizens around this area and was a much more suitable zoning for this petition. He said they had another commercial highway request up the road that the Board would not grant and he did not think they should grant this one.

Chairman Dunn asked if the Planning and Zoning office had changed their recommendation. Chris Venice, Director of Community Development said they had recommended C-H, but when the suggestion was made as to if C-C would be appropriate, staff felt it would be in this area and offered certain advantages.

Chairman Dunn asked then if the recommendation on the record was no longer this way. Ms. Venice said that staff had not officially submitted a recommendation change, but staff could support C-C.

Chairman Dunn asked if the Petitioner had been informed. Ms. Venice said they had not. She said the C-H request was in compliance with the land use as well. She said there was existing C-H property adjacent to this property. She said C-C was not considered at the Planning Commission Meeting, but was something that was viable for this piece of property.

Chairman Dunn stated that Mr. Jackson and Mr. Bonner were surprised by this tonight.

Commissioner Wells said she had a problem with C-H and C-C. She said she had been very careful not to allow the commercial zonings at every one of the intersections to proliferate down the road. She said she talked with Ms. Venice beforehand and she did not have a problem with that because they did want to put commercial nodes in place, and it seemed to her that this was encroaching further down Corinth Road and 54. She said it was already zoned O-I. She said she thought that was a nice step down from C-H, O-I from A-R. She said she could not support C-C or C-H. She said she thought it was properly zoned as O-I.

Commissioner Frady asked how long it had been since they had zoned this property O-I. Chairman Dunn responded it was in 1998. He said it went to C-C in 1992.

Chairman Dunn said the property had been O-I since 1998 and had not been developed. He said at one time the property was commercial and he did not have a problem with putting it back to the way it was in 1992 which was C-C. He said making the entire area C-H would change too much of the area. He said if this motion passed to make it C-C the petitioner would get the ability to put commercial on the entire piece of property. He said he could support C-C but he could not support C-H.

Motion carried 4-1 with Commissioner Wells voting in opposition.

CONSIDERATION OF PROPOSED ABANDONMENT OF A PORTION OF LISBON ROAD.

Attorney Davenport said Lisbon Road was currently a dirt road that came off Georgia 85 at Lisbon Church just south of the Sarah Harp Mentor Elementary School. He said the road proceeded from 85 to Goza Road. The proposal was to abandon that portion of road so that a cul-de-sac would be formed from the Goza Road portion going up toward 85 on Lisbon Road but no longer connect to 85. He said the people who asked for the abandonment owned property on both sides of the proposed portion to be abandoned. This abandonment had been properly advertised for a public hearing to determine whether or not this portion should be abandoned. He said if this Board found there was no substantial purpose being served by this portion of Lisbon Road, they could vote to abandon it and it would then be quit claimed to the property owners on either side of the road. He said in this case the owners would be the people petitioning to abandon the road.

Chairman Dunn asked if there was anyone who wished to speak in favor of this abandonment. One person wished to speak and three people stood to show that they were in favor of this abandonment.

Wayne Stone, 100 Old Highway 85, Fayetteville, said he attended Lisbon Church and he was one of the petitioners in favor of abandoning Lisbon Road. He said the road cut the church property in half. He said they would like to close the road. He said the road did not serve any purpose. He said it was a dirt road and was located very close to the church building.

Chairman Dunn asked if anyone wished to speak in opposition of this petition. No one spoke.

Commissioner Frady asked if they were asking the Commissioners to abandon the road back to the property owners. Chairman Dunn said that was correct.

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Attorney Davenport said the abandonment would go back to the property owners on both sides of the road, which the petitioners owned property on both sides.

Chairman Dunn asked how many property owners were involved. Attorney Davenport said there were 2 owners.

Commissioner Frady asked the attorney to explain the consequences of the abandonment. Attorney Davenport said you take the center line of the existing road and go to one side of the property and quit claim it to that property owner and take the center line of the existing road to the other side of the property and quit claim it to the other property owner and the portion that use to be Lisbon Road no longer had any public use and was now considered private property. He said the road was closed off and could no longer be used for that purpose.

Commissioner Frady asked if it could be blocked by the property owners. Attorney Davenport responded that it was no longer a road. He said Lisbon Road would be refigured and a cul-de-sac would be put in place from the Goza Road side back up toward 85.

Commissioner Frady asked if the people who owned that property could put a fence on it. Attorney Davenport said it would no longer be a road and the owners could put anything they wanted to on that property.

Commissioner VanLandingham said he thought the Board had already done this.

Commissioner Wells said the Board had authorized the attorney to start the process.

Attorney Davenport said the process included advertising for a public hearing, which had been done. He said that was what was being done tonight.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to approve the abandonment of a portion of Lisbon Road as discussed.

Chairman Dunn commented that he felt everyone had been very patient during the time the area had been changed and they needed as much relief as could be given because of all the building being done - the school, Kiwanis, and everything else that was now in that area. He said the Board appreciated their patience.

Motion carried 5-0.

OLD BUSINESS:

CONSIDERATION OF RESOLUTION 2004-09 CALLING FOR A SPECIAL PURPOSE LOCAL OPTIONS SALES TAX REFERENDUM ON THE NOVEMBER GENERAL

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ELECTION BALLOT. THIS ITEM WAS TABLED FROM THE MAY 5, 2004 BOARD OF COMMISSIONERS' MEETING.

County Attorney Dennis Davenport stated this was old business from a previous meeting. He said a resolution had been prepared for voting on the implementation for a referendum for a Special Purpose Local Options Sales Tax (S.P.L.O.S.T.).

Attorney Davenport read the Resolution into the record. A copy of Resolution 2004-09, identified as "Attachment No. 7," follows these minutes and is made an official part hereof.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to adopt Resolution 2004-09 calling for a Special Local Options Sales Tax Referendum to be placed on the November general election ballot as presented. Discussion followed.

Chairman Dunn said the vote they were taking tonight did not say they were imposing a 1 cent sales tax but that they were putting it on a referendum. He said the people in the county would vote on whether or not this tax was imposed. He said while \$116 million sounded like a lot of money, the road plan for the next twenty-five years actually exceeded \$400 million. He said there was no way to get that kind of money without doing this, a bond issue or raising property taxes, which we certainly did not want to do. He said the people should also be aware that somewhere between 30 and 35% of the people who shop in this county did not live here and if this referendum was imposed, those people would help Fayette County build and maintain the roads they drove on to get to the Pavilion and the Avenue.

Commissioner Frady said this money represented about 20% of the road costs and hopefully money would be received from the state for this. He said it would take that much money for Fayette County to pay their 20% for right-of-ways and utility movements. He said it seemed like a lot of money, but if Fayette County was going to do anything about the traffic they needed these funds to begin.

Commissioner VanLandingham said if you drove a lot in Fayette County you understood the need for a transportation plan. He said when you get out into the unincorporated areas, traffic was not so bad. He said it was in the cities and metropolitan areas where traffic became congested. He said the Commissioners understood this and had been trying to do something about it. He said there had been talk about it for several years but it had come to the point where they could not wait any longer to do this. He said the longer they waited the more expensive it became. He said they were doing what they could to relieve the traffic congestion for every citizen in Fayette County. He said that was why it was called a County Transportation Plan. He said he supported this referendum and felt this was the only way the county transportation problems could be solved.

Chairman Dunn said he knew the mayor of Peachtree City did not agree with the split of the money that was proposed in the SPLOST, and that was certainly his right. He said he did

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not believe the mayor fully understood the issue that they were building a county wide traffic network regardless of where the city and county boundaries were. He said most of the roads went through two or three jurisdictions and they were not going to stop and start building based on where the roads stopped and started. He said all the money did not get spent in one jurisdiction as opposed to another, it got spent county wide. He said he wanted to point out there were plans to do an East Fayetteville Bypass. He said it would be built in the unincorporated county. He said the purpose of that was to free up traffic in Fayetteville. He said if someone wanted to split the money based on population, there would not be enough money to help the city of Fayetteville, because there would not be enough money to build the bypass in the unincorporated county. He said we all had to work together on this. He said the other four cities were with us on this and saw the goodness of it and they hoped to bring on the fifth mayor. He said if they waited any longer the traffic problem would just become worse and they could not build roads without money. He said they had been working on this for several years, all the cities had participated and all the cities had agreed, including the Peachtree City mayor, that the projects were good projects. He said the Peachtree City mayor just wanted a different amount of money for certain jurisdictions.

Chairman Dunn said a transportation briefing was held at this site two days ago by the Atlanta Region Commission and there were representatives from there and the Georgia Department of Transportation. He said several of our cities were represented at the briefing. He said at the briefing they found out that in the next six years the federal and state government had committed \$71 million to Fayette County to help with this project. He said Fayette County needed matching funds for that in order to leverage the \$71 million. He said as a County, in the next six years, we must come up with about \$40 million in order to get everything put together. He said there was state, local and federal money that went into every project and in order to get that money and get everything that went with it, the county had to have the matching money. He said this referendum was the way they intended to get the matching funds. He said they were trying to do an entire network over the next twenty-five years.

Commissioner Pfeifer said he was supporting this because he felt it was their job. He said this was a traffic plan that was developed over the past 10 to 15 years and had been contributed to by all of the elected officials and community organizations in the entire community. He said the plan had been updated and was current. He said the option they were asking the citizens to vote for would pay for a portion of that plan. He said growth had overwhelmed the roads in this county. He said this was an opportunity to take care of that.

Motion carried 5-0.

CONSENT AGENDA: Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to approve the Consent Agenda as presented. Motion carried 5-0.

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RELEASE THE TITLE OF A VEHICLE FROM THE SHERIFF'S DEPARTMENT:

Approval to release the title of a vehicle from the Sheriff's Department that was totaled in an accident and approval to order replacement vehicle. A copy of the report, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

ACCEPTANCE OF THE HRSA PHASE II GRANT: Approval to accept the HRSA Phase II Grant in the amount \$20,800 for the purpose of hosting a national board course in Basic and Advanced Disaster Life Support. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

BOARD OF EDUCATION TO CONTINUE USE OF OLD FIRE STATION NO. 7:

Approval to allow the Board of Education to continue using the old Fire Station No. 7.

WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN:

Approval of the Water Conservation Plan and the Drought Contingency Plan as updated. A copy of these plans, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

AMENDMENT OF FY04 RECREATION BUDGET: Approval to amend FY04 budget to increase revenues and expenditures in the amount of \$1,355.22 to recognize a donation from the Soccer Association to upgrade the toilets to automatic flush systems. A copy of this request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

MINUTES APPROVED: Approval of minutes for Board of Commissioners meetings held on May 5, 2004 and May 13, 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.

SUSAN LLOYD: Susan Lloyd, 200 Shoreline Drive, expressed her concern about a house on her street that had been abandoned for quite some time. She said the weeds were growing up and the walls were crumbling. She wanted to know what could be done.

Chairman Dunn asked the County Attorney, Dennis Davenport, where things stood with that home. He said it was a brand new house, never been sold, they knew the developer who put it there and that he had violated some rules and therefore was refused a certificate of occupancy. He asked at what point did the County do something about it.

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Attorney Davenport said it was his understanding that the last variance attempt sought to be acquired by the builder was denied. He said the only option was, if the builder did not do something to fix the problems, was to have the house moved or torn down. He said a certificate of occupancy could not be obtained with the present state of the house. He said unless the builder took action to comply with the codes and ordinances a certificate of occupancy could not be issued.

Chairman Dunn said he was near the area the other day and took the opportunity to look at the house. He said it was an absolute mess. He asked how long before action should be taken.

Attorney Davenport said in respect to the inactivity by the builder, the last record of any action taken by the county would have been a denial of a variance. He said when a variance was denied, if no further action was taken by the person who applied for the variance, there was a certain amount of time to correct the property. He said he could say with all certainty that the certain amount of time had come and gone. He said the next step would be to find out what the County could do in respect to seeking some type of specific performance from a judge of equity to make this person tear the house down or to move it. He said it would take some legal action at this point.

Chairman Dunn said he had violated the rules by having a discussion at this time but he knew this problem had been percolating for years.

Commissioner VanLandingham said he would not discuss it with Ms. Lloyd but he would discuss it with the attorney. He said he had received several phone calls on this as a result of a sign that was placed on the lawn of this house with his phone number on it. He said the marshals were sent over to take the sign down. He said he did not appreciate his phone number being placed on this sign but he could appreciate the problems the people in the neighborhood had. He said he felt it was time to do something about this house, either tear it down or fix it where it could be used.

Attorney Davenport said he recalled that sometime within the last 30 to 60 days the builder or builder agent had been in the process of trying to resolve something through the Planning and Zoning Department. He said obviously that had not come to fruition so it would be time to have further direction.

Chairman Dunn asked the Director of Community Development, Chris Venice, if there was any potential that this could be solved. Ms. Venice replied yes.

Chairman Dunn said that it was heard that everyone was in favor of doing something about this house. He said he did not know at this time exactly how they would proceed but they would have the lawyers look into it.

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SAM CHAPMAN: 175 Bracken Drive, said he was running for County Commissioner and he was in District 3. He said district 3 was located in the lower half of Peachtree City and incorporated some unincorporated area, which was the area where he lived. He said he was born and raised in Peachtree City and was a business owner in the county. He said he wanted to know if there were any laws that had come on the books in regards to equitable distribution and fairness of the SPLOST.

Commissioner VanLandingham said that item was on the agenda tonight therefore he could not bring this issue up at Public Comment.

Chairman Dunn said this venue was not used for politics either.

Mr. Chapman said he was not trying to politic he just wanted to comment on it.

STAFF REPORTS:

ATTORNEY DAVENPORT: Attorney Davenport said currently the school board owned the road bed to the old portion of McElroy Road. He said an agreement had been put together for the County to use this area as a parking area for McCurry Park. He said it had been drawn up such that the citizens of the County could use it as a parking area. He said the agreement was for a five year term and would renew for a term at the anniversary date with the ability to cancel by giving six months notice. He said there was a hold-harmless clause in the agreement but generally it was just for parking purposes. Attorney Davenport asked for the Board's consideration in authorizing the Chairman to execute the Old McElroy Road Parking Agreement.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Wells, authorizing the Chairman to sign the Old McElroy Road Parking Agreement. Motion carried 5-0. A copy of this agreement, identified as "Attachment No. 12 ", follows these minutes and is made an official part hereof.

ATTORNEY DAVENPORT: Attorney Davenport asked for an Executive Session to discuss two real estate items and four legal items.

COMMISSIONER A.G. VANLANDINGHAM: Commissioner VanLandingham reported to the Board that he had received a telephone call from an out-of-county citizen who wanted to pay a small fee to use the Farmers Market on McDonough Road to sell their produce. He said the citizen offered to pay a small user fee. Commissioner VanLandingham said he told this person that the County was very dedicated to the point that only the County residents would be able to use the Farmer's Market.

It was the consensus of the board not to allow out-of-county residents to use the farmers market to sell their produce.

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Motion was made by Commission Wells, seconded by Commissioner Pfeifer, to adjourn to Executive Session to discuss two real estate items and four legal items. Motion carried 5-0.

EXECUTIVE SESSION:

REAL ESTATE: Attorney Davenport advised the Board on a real estate matter.

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

REAL ESTATE: Attorney Davenport advised the Board on a real estate matter.

The Board took no action on this matter.

LEGAL: Attorney Davenport advised the Board on a legal matter.

The Board took no action on this matter.

LEGAL: Attorney Davenport advised the Board on a legal matter.

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

LEGAL: Attorney Davenport advised the Board on a legal matter.

The Board took no action on this matter.

LEGAL: Attorney Davenport advised the Board on a legal matter.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner Frady, to authorize the Chairman to execute the Executive Session Affidavit affirming that two real estate items and four legal items were discussed in Executive Session. Motion carried 5-0. A copy of the affidavit, identified as "Attachment No. 13", 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 9:45 p.m.

Peggy Butler, Chief Deputy Clerk

Gregory M. Dunn, Chairman

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The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of June, 2004.

Peggy Butler, Chief Deputy Clerk