

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, June 24, 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.

RESOLUTION NO. 2004-10 - ADOPTION OF THE BUDGET FOR FISCAL YEAR 2004-2005:

Director of Business Services Mark Pullium read Budget Resolution No. 2004-10 for fiscal year 2004-2005.

Chairman Dunn pointed out that this was a public hearing and if anyone wished to speak in favor or against the budget they could do so at this time. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner VanLandingham said he had gotten a phone call Wednesday afternoon from the representative of Southern Crescent. He asked if she was present. It was noted that she was not.

On motion made by Commissioner Wells, seconded by Commissioner Frady to adopt the budget for fiscal year 2004 - 2005. The motion carried 5-0. A copy of Resolution No. 2004-10, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Chairman Dunn remarked that this had taken several months of diligent work on the part of staff. He said he wanted to thank each and every staff member for all of their work. He said he felt this was an outstanding budget. He said this budget would allow the county to roll back the millage rate by the amount of the reassessments on the property for the third year in a row.

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Commissioner Wells said she would like to commend the staff from Chris Cofty to Mark Pullium to the other staff for doing such an exceptionally good job this year as always. She said she also wanted to thank all of the department heads. She said she was aware that everybody did not get what they wanted but she felt this was a very realistic budget and something that the county was going to be proud of and be able to continue the quality of services that had been provided. She pointed out that the Board had held over twenty hours of public meetings and hearings on this budget in addition to many numerous hours put in by staff and each Commissioner individually. She said she would not want anybody to get the impression that this was something that was done lightly. She said there were many hours that had gone into this budget and she felt it was a very reasonable budget that the county and the taxpayers could be proud of.

Commissioner Pfeifer remarked that there had been recent problems with the economy which had affected most of the governments from national government all the way down to the local level. He pointed out that the citizens had not heard this government have any problems the last couple of years either on the revenue side or on the spending side. He said there had been no cutbacks of service because they were planned properly.

Commissioner Frady said that everyone had done a great job and he certainly appreciated it. He said this Board was looking at things and accepting the fact that it could make the county run on natural growth and that had given the county the opportunity to roll back the assessment.

Commissioner VanLandingham also congratulated staff on a great job.

ORDINANCE NO. 2004-07 - ADOPTION OF AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE V. GENERAL PROVISIONS, SECTION 5-10, ACCESSORY USES AND STRUCTURES, B. INCIDENTAL USES, SECTION 6. HOME GARDEN, F. ADMINISTRATION, AND G. TEMPORARY ACCESSORY STORAGE AND AMEND THE SEQUENCING ORDER TO REFLECT THE PROPOSED AMENDMENT:

Zoning Director Aaron Wheeler remarked that the Planning Commission recommended approval 5-0. He noted that this item was tabled from the May 13, 2004 Board of Commissioners' meeting. He said these proposed amendments were a revision to accessory uses.

Mr. Wheeler remarked that the reason for this change was previously discussed at the May 13th Board of Commissioners wherein the Board directed staff to take this back and work with the Planning Commission and then bring back a recommendation to the Board of Commissioners. He said staff was adding in item F. which was administration for any structure that was above 200 square feet and had to be put on a permanent foundation

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and item G. which discussed pods and regulations for and how they would be administered.

Commissioner Frady asked Mr. Wheeler if staff had any trouble with buildings blowing away that were not on a permanent foundation.

Mr. Wheeler replied no, not to his knowledge.

Commissioner Frady asked Mr. Wheeler what was considered a permanent foundation.

Mr. Wheeler replied that permanent foundation would be concrete and then the structure being tied down per building code requirements.

Commissioner Frady asked why it would need to be tied down. He said he realized it was a safety factor but since there had not been any problems with them. He asked if these structures could be put on concrete blocks as a foundation.

Mr. Wheeler replied not to his knowledge. He said the foundation would need to be a solid foundation of poured concrete. He commented on tying them down. He said the building code stated this requirement because of safety reasons.

Commissioner Frady asked how long the building code had required this.

Mr. Wheeler replied that he was unsure. He said he was not that familiar with the building code.

Commissioner Frady asked if a permit fee would be charged.

Mr. Wheeler replied yes.

Chairman Dunn asked for the Board's pleasure on this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the Amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-10. Accessory Uses and Structures, B. incidental uses, Section 6. Home Garden, F. Administration, and G. Temporary Accessory Storage and amend the sequencing order to reflect the proposed amendment, discussion followed.

Commissioner VanLandingham said he still had a problem with this. He felt the county was getting too restrictive in the uses of their property. He said he did have a problem with it. He said he sees a need for it in a general sense but he wondered if the county was getting too specific as to what people were being required to do. He questioned the

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structures that can be purchased at Lowe's, although they did not exceed the square footage, and putting those on a permanent foundation and tying them down. He said he was afraid that the county was moving in that direction and he was not sure that he wanted to go there. He said he was not sure what the county needed to do but he just did not think it needed to do this much.

Commissioner Frady felt this just runs up the cost on these types of buildings. He said one could purchase one of these buildings for a cost of \$900 and then it would cost \$2,000 to put it up. He felt this was just an added expense and it did not think it was necessary for a 10' x 20' building.

Chairman Dunn asked how long was temporary in the temporary accessory storage.

Mr. Wheeler replied that the idea was while there was some sort of remodeling being done or some other kind of work on the home in order to store items from the rooms of the home that were being remodeling without having to take them off site.

Chairman Dunn clarified even if the work done was completed, it was for one year only and then it would have to be removed.

Mr. Wheeler replied yes, that was correct.

Chairman Dunn asked if someone completed the remodeling in six months could they keep the storage unit up until the year deadline or would they have to take it down as soon as the project was completed.

Mr. Wheeler remarked that the idea was that they would move it as soon as the project was completed but that it would not exceed one year.

Commissioner Wells remarked that normally someone was paying rent or some type of fee on that. She said it would not be smart to just leave it sitting there.

Commissioner Frady asked if the ocean going trailers that people used come up under another section.

Mr. Wheeler replied that those would be classified under the same thing because they were basically the same item. He said they were made out of metal, were square and there for storage.

Commissioner VanLandingham said he would like to point out another item. He said that was an accessory structure. He said when he built his house he was the contractor and had built it himself. He stated that he was living in another location and he had to have a

place to put his tools and the materials that he purchased rather than leave them outside. He said in this ordinance it stated that an accessory structure could only be built concurrently or after. He felt this was restricting a person an opportunity to build a permanent structure that would allow him to use it while he was building his house.

Commissioner Frady asked if a contractor could bring his trailer onto the property while he was constructing the buildings. He said contractors used these as their offices while they were building.

Mr. Wheeler replied they would be allowed to bring on a job trailer and it would require a permit and would have to meet setbacks.

Commissioner VanLandingham said the job trailer could be located there concurrently and after. He said this was while someone was building or after. He said someone could not build it first.

Commissioner Wells said she understood that there was going to be exceptions to every single rule and although this did seem to be more confining she felt for the overall general benefit of the county that this was exactly what was needed. She commented on anything over 200 square feet being placed on a permanent foundation and said she did not see this as being a burden either. She said citizens could purchase the little portable places that were smaller than 200 square feet and put those up. She said anything larger than that would be a fairly large size structure that no one wanted to have blown away. She said she had one of these structures blow away once in Savannah.

Commissioner Frady said he had no doubt that this might be better for the county but sometimes he liked to reach out and do things for the consumer as well. He said he was trying to keep the consumer from having to pay for a permit and also having to put down a slab.

Chairman Dunn commented that this was a public hearing and asked if anyone had any comments on this item. Hearing none, he called for the vote.

The motion carried 3-2 with Commissioner VanLandingham and Commissioner Frady voting in opposition. A copy of the Ordinance No. 2004-07, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2004-08 - ADOPTION OF AMENDMENTS OF THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, A. 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:

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Zoning Director Aaron Wheeler remarked was consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. 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. He said the Planning commission recommended approval 4-0-1.

Mr. Wheeler said the reason for this change was because the current ordinance was bulky and subjective making it hard to apply consistently and it would be readily understood by the public without direct interpretation by staff. He said certain aspects of the ordinance such as the current architecture and landscape requirements were almost completely done away with and rewritten. He said the overall layout was redone so that each section matched and flowed as it should. He said there were some sections that as a result had to be added in and in their entirety.

Chairman Dunn asked if anyone wished to speak in favor or against this amendment change. Hearing none, he asked the Board for their pleasure in this matter.

Commissioner VanLandingham said he had a question on page 2 which related to the exclusion of the areas of the hospital district. He said he wanted to make sure that this was the district that the Board had so noted on the overlay with definitive lines.

Mr. Wheeler replied yes that was correct and stated that was actually another item that would be coming up that spelled this out specifically. He said staff felt this might be a little confusing to the general public reading this and staff had broken this out to make it easier to understand.

Commissioner Frady asked if any setbacks were changed in these.

Mr. Wheeler replied no, not to his knowledge.

Commissioner Frady asked if there was any other way to do the screening except for putting up a berm.

Mr. Wheeler replied that staff had only required the berm in instances where the Board felt it was necessary.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VII. conditional uses, exceptions and modifications, Section 7-6. Transportation Corridor Overlay Zone, A. 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, discussion followed.

Commissioner Pfeifer commented that the concept of overlay zones was sometimes troubling. He said this had been going on in discussion since he had been on the Board with the Planning and Zoning Commission. He said they had done a tremendous job and had been very, very thorough. He stated they had also answered a lot of questions that he had and most importantly the Planning Department had opened the comment period and made adjustments based on input from all parts of the community. He said he felt this was crucial than just imposing whatever the Board might feel was a good idea for the community.

The motion carried 5-0. A copy of Ordinance No. 2004-08, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2004-09 - ADOPTION OF AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING SECTION 6-17. O-I, OFFICE INSTITUTIONAL, E. AUXILIARY CONDITIONAL USES AND AMEND THE SEQUENCING ORDER TO REFLECT THE PROPOSED AMENDMENT:

Zoning Director Aaron Wheeler remarked that this was for consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Section 6-17. O-I, Office Institutional, E. Auxiliary Conditional Uses and amend the sequencing order to reflect the proposed amendment. He said the Planning Commission recommended approval 5-0.

Mr. Wheeler remarked that the uses presented to the Board were what staff believed should be allowed as supportive auxiliary uses to a hospital area. He said the recommendations were before the Board for consideration.

Chairman Dunn asked if anyone had any comments in favor or in opposition to this amendment. Hearing none, he asked for the Board's pleasure on this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the Amendments to the Fayette County Zoning Ordinance regarding Section 6-17. O-I, Office Institutional, E. Auxiliary conditional uses and amend the sequencing order to reflect the proposed amendment, discussion followed.

Commissioner Wells expressed concern with this amendment and remarked that this was strictly for the O-I district of the community hospital plan area. She felt the county needed to be careful that the commercial endeavor be allowed to come into these types of structures and then if the hospital or the medical facility decided to move, then there would be commercial endeavors that would be existing independently. She said what had prompted this was the Emory facility across the street from the hospital. She asked if that facility would be included in this.

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Mr. Wheeler replied the Emory facility was located on the South side and this amendment only pertained to the North side of S.R. 54.

Commissioner Wells asked if there was a like building on that side of S.R. 54 would it be allowed to have these types of facilities.

Mr. Wheeler responded yes as long as they were within this area. He said staff had built a fail safe into the amendment that it could only be a certain percentage of the square footage. He said unfortunately it would be dependent on and would not more than likely be able to operate independent of any other facility. He said if the medical office pulled out, then more than likely this would not survive and it would have to pull out and move as well.

Commissioner Wells said it was her concern that if the medical facility or office did pull out and there were some established gift shops, floral shops, pharmacies and things of that nature then those owners of those businesses would be left. She said she would like an exception and be able to expand this. She said she wanted the Board and staff to make sure that some type of precedent was not being set up so that in the future those commercial entities could exist on their own and independently.

Mr. Wheeler remarked that this was a conditional use so it would not be variable. He said if these businesses came in to ask for a reprieve to be able to expand it. He said this was either the size set forth or it was nothing.

Chairman Dunn said he originally had some concerns but with the restrictions currently in place he liked the ordinance. He felt this needed to be done in the hospital area. He said this made sense in the area where there was a growing hospital. He said he did not see where any of this would threaten the community. He said the hospital would be expanding its services tremendously over the next several years.

Commissioner Frady said he certainly had no problem with this. He said this would only allow someone to do business in 20% of the first floor.

Chairman Dunn remarked that pharmaceutical sales would be a small pharmacy associated with one of the other clinics and it would not be a C.D.C. or anything of that nature.

Commissioner VanLandingham remarked if the hospital were to leave, these businesses would not stand by themselves and they would also be gone.

Chairman Dunn remarked that the medical facility was not going anywhere in the Board's lifetime. He said the hospital's growing plans were enormous and very, very necessary.

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The motion carried 5-0. A copy of Ordinance No. 2004-09, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2004-10 - ADOPTION OF AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, C-H HIGHWAY COMMERCIAL DISTRICT, B. PERMITTED USES, 7. AUTO PARTS AND TIRE STORE; RETAIL AND C. CONDITIONAL USES, 2. AUTOMOBILE, TRUCK, FARM EQUIPMENT, OR MOTORCYCLE SALES AND REPAIRS AND 17. SELF-STORAGE FACILITY AND AMEND THE SEQUENCING ORDER TO REFLECT THE PROPOSED AMENDMENT:

Zoning Director Aaron Wheeler said this was for the consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, C-H Highway Commercial District, B. Permitted Uses, 7. Auto parts and Tire store; retail and C. Conditional Uses, 2. Automobile, Truck, Farm Equipment, or Motorcycle Sales and Repairs and 17. Self-Storage Facility and amend the sequencing order to reflect the proposed amendment. He said the Planning Commission recommended approval 5-0.

ORDINANCE NO. 2004-11 - ADOPTION OF AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, M-1 LIGHT INDUSTRIAL DISTRICT, B. PERMITTED USES, 6. AUTOMOBILE OR TRUCK SALES, SERVICE STATION, PAINT SHOP, PARTS STORE INCLUDING REBUILDING OF PARTS, PARKING LOT OR GARAGE, TIRE RECAPPING FACILITY, UPHOLSTERY SHOP AND 39. MINI-STORAGE FACILITIES WITH A UNIT FLOOR SPACE NOT TO EXCEED 425 FEET AND C. CONDITIONAL USES, 8. SELF-STORAGE FACILITY:

Zoning Director Aaron Wheeler said this was for consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, M-1 Light Industrial District, B. Permitted Uses, 6. Automobile or truck sales, service station, paint shop, parts store including rebuilding of parts, parking lot or garage, tire recapping facility, upholstery shop and 39. Mini-storage facilities with a unit floor space not to exceed 425 feet and C. Conditional Uses, 8. Self-Storage Facility. The Planning Commission recommended approval 5-0.

Mr. Wheeler remarked that he would like to discuss the above two amendments together since they were related. He said after staff's review of the C-H amendment there was some ambiguity and staff felt there was a need to clarify the issue of light automotive services and repairs as opposed to heavy automotive service and repair which staff would be proposing on the following amendment regarding M-1. He said staff was also looking to remove self-storage facility from the conditional uses in C-H and put them in the conditional uses in M-1. He called the Board's attention to item F. on the agenda relating to M-1 that staff had called out on number 6 that the uses not listed in C-H under

automotive would be allowed in the M-1. He said staff had added in all of the necessary verbiage to go with the change.

Commissioner Frady asked for clarification that staff was not going to allow automotive repairs in item E. on the agenda but would in item F. on the agenda.

Mr. Wheeler replied that staff had called out the specific automotive repairs that would be allowed in item E. which included things like tire, oil and lube, tuneup and things that were very minor.

Commissioner Frady asked where would a car dealership go.

Mr. Wheeler responded that would fall under C-H regarding automobile service and repair which were used together.

Commissioner Frady asked why wouldn't anybody else be allowed to repair cars.

Mr. Wheeler responded that because in the C-H, staff was allowing people to repair cars. He said they could only do certain repairs.

Commissioner Frady said he was referring to changing out transmissions.

Mr. Wheeler replied that this was understood that auto repairs and incidental use to a car dealership and if a car was sold the person would also be allowed to repair said car.

Commissioner Frady said the county only had one automobile dealership and he did not think they worked on all cars. He said he did not understand why this would not be allowed in C-H. He said it was not that he was for or against it but he just did not understand why.

Mr. Wheeler said at this point it was not allowed at all in the current ordinance. He said staff was going to allow certain automotive services to be allowed in C-H.

Commissioner Frady asked why engine changes would not be allowed. He asked what was in C-H where staff did not want to do this.

Mr. Wheeler responded in a commercial highway district it was normally a retail district as opposed to somewhere that you would not want to see cars parked with the hoods off and engines stacked on engine stands or transmissions and so forth being laid about. He said that was not the district that was conducive for that. He said an industrial district would be more conducive to seeing that type of use. He said this was the reason staff moved that

into there and allowed what staff considered as retail automotive services allowed only in C-H.

Commissioner Frady said he would not want these out there either. He remarked that most houses' garages were located away from the street. He said if it was a legitimate business and the county had some in there and was allowing some and not others, then it was inconsistent.

Chairman Dunn asked if anyone would like to speak in favor or against these two changes to the ordinances.

On motion made by Commissioner Wells, seconded by Chairman Dunn to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, C-H Highway Commercial District, B. Permitted Uses, 7. Auto Parts and Tire Store; Retail and C. Conditional Uses, 2. Automobile, Truck Farm Equipment, or Motorcycle Sales and Repairs and 17. Self-Storage Facility and Amend the Sequencing Order to Reflect the Proposed Amendment; **And** to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, M-1 Light Industrial District, B. Permitted Uses, 6. Automobile or Truck Sales, Service Station, Paint Shop, Parts Store including Rebuilding of Parts, Parking Lot or Garage, Tire Recapping Facility, Upholstery Shop and 39. Mini-Storage Facilities with a Unit Floor Space not to exceed 425 feet and C. Conditional Uses, 8. Self-Storage Facility. The motion carried 5-0. A copy of Ordinance No. 2004-10, identified as "Attachment No. 5", follows these minutes and is made an official part hereof. A copy of Ordinance No. 2004-11, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2004-12 - ADOPTION OF AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, B. CONDITIONAL USES ALLOWED, 34. SELF-STORAGE FACILITY:

Zoning Director Aaron Wheeler remarked that this was for consideration of proposed Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, B. Conditional Uses Allowed, 34. Self-Storage Facility. He said the Planning Commission recommended approval 5-0.

Chairman Dunn asked if there was anyone who wished to speak in favor of against this proposed amendment. Hearing none, he asked for the Board's pleasure on this item.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions and Modifications, B. Conditional Uses Allowed, 34. Self-

Storage Facility. The motion carried 5-0. A copy of Ordinance No. 2004-12, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2004-13 - ADOPTION OF AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE III. DEFINITIONS REGARDING SECTION 3-18. CABANA (POOL CABANA) AND 3-80. PUBLIC UTILITY FACILITY AND AMEND THE SEQUENCING ORDER TO REFLECT THE PROPOSED AMENDMENT:

Zoning Director Aaron Wheeler remarked that this was for consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions regarding Section 3-18. Cabana (Pool Cabana) and 3-80. Public Utility Facility and Amend the sequencing order to reflect the proposed amendment. He said the Planning Commission recommended approval 5-0.

Mr. Wheeler remarked that this was just for the purpose of clarification. He said when citizens come in it was good to have a definition for items that they asked for.

Commissioner Frady interjected that staff had gotten a lot of questions regarding this amendment from the Planning Commission.

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

On motion made by Commissioner Wells, seconded by Chairman Dunn to approve the Amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions regarding Section 3-18. Cabana (Pool Cabana) and 3-80. Public Utility Facility and Amend the Sequencing order to reflect the proposed Amendment. The motion carried 5-0. A copy of Ordinance No. 2004-13, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

AGREEMENT TO PROCEED WITH ANNEXATIONS APPROVED FOR BELLEMEADE SUBDIVISION:

Chairman Dunn remarked that this was a request for the Board's consideration from the City of Fayetteville to enter into an "Agreement to Proceed with Annexations" for the proposed Bellemeade Subdivision. He said the Board had sent the City a land use objection on this. He said there had been some discussions with the City and they had come back to the Board with a letter dated June 16, 2004. He said the City of Fayetteville had decided that they would go along with the county's request that 88 houses be done plus the two five acre lot houses for a total of 90 houses on the 108 acre tract of property. He said the Board told the City if it could sign an agreement with the City, the developer and the County then the Board would then be able to withdraw its objection or at least mitigate its objection. He said he would like to propose that the County go along with what

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the City had submitted to the County now. He said the City had done what the County had requested and the Board appreciated that.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize the Chairman to execute the "Agreement to Proceed with Annexations" with the City of Fayetteville for the proposed Bellemeade Subdivision. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the consent agenda as presented. The motion carried 5-0.

SHERIFF'S OFFICE - TRANSFER OF FUNDS: Approval of request from the Sheriff's Department to transfer \$2,743.93 from the General Budget Fund to Sheriff's Department Vehicle Maintenance Budget Category 10030323-522233. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

TAX REFUND APPROVED - JERRY H. BOND: Approval of recommendation to approve a tax refund to Jerry H. Bond in the amount of \$652.98 for the years 2001, 2002 and 2003.

TAX REFUND DENIED - NELLIE BAB: Approval of recommendation to deny a tax refund to Nellie Bab in the amount of \$814.82 for the year 2003.

TAX REFUND APPROVED - JOHN DUREN: Approval of recommendation to approve a tax refund to John Duren in the amount of \$392.61 for the years 2001, 2002 and 2003.

TAX REFUND APPROVED - DONALD J. APKING: Approval of recommendation to approve a tax refund to Donald J. Apking in the amount of \$1,460.51 for the years 2001, 2002 and 2003.

MINUTES: Approval of minutes for Board of Commissioners meetings held on May 27, 2004 and June 2, 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.

There was no public comment.

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STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an Executive Session to discuss six legal items and two real estate acquisition matters.

Commissioner Frady requested an Executive Session to discuss one legal item.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to Executive Session to discuss seven legal items and two real estate acquisition matters. The motion carried 5-0.

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

On motion made by Commissioner Wells, seconded by Chairman Dunn to authorize Attorney McNally to proceed in this matter. The motion carried 5-0.

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

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed in this matter. The motion carried 5-0.

LEGAL: Assistant County Attorney Dennis Davenport updated the Board on a legal matter.

On motion made by Commissioner Wells, seconded by Chairman Dunn to authorize Assistant County Attorney Dennis Davenport to proceed in this matter. The motion carried 3-2 with Commissioner VanLandingham and Commissioner Frady voting in opposition.

LEGAL: Assistant County Attorney Dennis Davenport updated the Board on a legal matter.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize Assistant County Attorney Dennis Davenport not to proceed in this matter. The motion carried 5-0.

LEGAL: Assistant County Attorney Dennis Davenport updated the Board on a legal matter.

On motion made by Commissioner Wells, seconded by Commissioner Frady for Assistant County Attorney Dennis Davenport not to proceed in this matter. The motion carried 5-0.

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LEGAL: Assistant County Attorney Dennis Davenport reported to the Board on a legal matter.

On motion made by Commissioner Wells, seconded by Chairman Dunn to authorize Assistant County Attorney Dennis Davenport to proceed in this matter. The motion carried 5-0.

LEGAL: Assistant County Attorney Dennis Davenport discussed a legal matter with the Board.

The Board took no action on this matter.

LEGAL: Commissioner Frady discussed a legal matter with the Board.

The Board took no action on this matter.

LEGAL: Attorney McNally and Commissioner Frady discussed a legal matter with the Board.

On motion made by Commissioner Frady, seconded by Commissioner Wells for the Assistant County Attorney Dennis Davenport to proceed in this matter. The motion carried 4-1 with Commissioner VanLandingham voting in opposition.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize the Chairman to execute the Executive Session Affidavit affirming that seven legal items and two real estate acquisition matters were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 11", 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 10:00 p.m.

Karen Morley, 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 22nd day of July, 2004.

Karen Morley, Chief Deputy Clerk