Minutes

Board of Commissioners
March 27, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, March 27, 2008, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice-Chairman Robert Horgan Eric Maxwell Peter Pfeifer
Staff Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk Floyd Jones, Deputy Clerk

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Chairman Smith called the meeting to order.
Commissioner Pfeifer offered the Invocation.
Pledge of Allegiance.

Commissioner Maxwell asked to be recognized under Commissioner Privilege. He said he had asked Senator Chance and Representative Ramsey to come tonight to update everyone on the School Board issue.

Senator Ronnie Chance commented on the Senate Bill 458 issue. He said an amendment was added to that Bill which changed the language to say that a School System "must" accept the student. He said this language had been completely removed from the Bill and would not be coming back. He said he would be holding a Town Hall Meeting on Saturday morning at 9:30 a.m. in the Public Meeting Room at the Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia to allow citizens to ask questions and express their concerns. He encouraged everyone interested in this issue to attend the meeting.

Representative Matt Ramsey remarked that there was ambiguity in this Bill and it had been addressed. He said the citizens of Fayette County should be proud of their community for showing such tremendous concern and passion for an issue.

ACCEPTANCE OF AGENDA:
Commissioner Frady made a motion and Commissioner Horgan seconded the motion to accept the agenda as published. The motion carried 5-0.

PUBLIC HEARING:
RULES FOR PUBLIC HEARINGS:
Director of Community Development Pete Frisina read the rules for public hearings. A copy of the statement, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

PETITION NO. 1204-07:

A. Consideration of Petition No. 1204-07, Roza K. Adamczyk and Rosa E. Clemente, Owners, and Attorney Newton Galloway of Galloway & Lyndall, LLP, Agent, request to rezone 9.70 acres from A-R to O-I to develop a Medical Office Park. This property is located in Land Lots 7 and 8 of the 7th District and fronts on Huiet Road and Lester Road. Staff recommended denial. The Planning Commission recommended denial 5-0. This item was tabled from the January 24, 2008 Board of Commissioners' meeting.

Attorney Newton Galloway remarked that he represented the applicants in this rezoning request to rezone 9.70 acres from A-R to O-I to develop a medical office park located at the intersection of Huiet and Lester Road. He pointed out that he had included a Constitutional Objection to this rezoning and this was included in the Board's packet. A copy of the Constitutional Objection, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. He said the County had an obligation to allow and provide for reasonable economic use of the property and he felt everyone would concur that this property was not A-R property. He remarked that an expert analysis had been done by William Johnston of Strategic Planning Initiatives reviewing this piece of property under the County respective zoning classifications. A copy of the report, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. He said this report clearly stated that there was no use for the property as A-R and no economic use of the property as R-40. He said when the Bypass is built, Lester Road would be a four lane road and he noted there was already right-of-way for a four lane road. He said Lester Road was a clear zoning boundary. He felt the Board had three choices and they were (1) initiate condemnation; (2) deny the request; or (3) work with the property owners to come up with a development plan that presents a satisfactory quality development that would be compatible with the surrounding property. He asked for the Board's consideration in granting this rezoning application. He said applicants were willing to work with the County to implement a plan that was reasonable with conditions.

Chairman Smith asked if anyone wished to speak in favor of this request. Hearing none, he asked if anyone wished to speak in opposition.

Jack Miller spoke in opposition of this rezoning request. He expressed concern with increased traffic and felt this would be spot zoning. He asked for the Board to strongly consider denying this request.

Ms. Boling commented that she lived in the Waterlace Subdivision and the residents that she had spoken with were not in favor of this rezoning.. She said she also agreed with Mr. Miller that this request should not be approved.

Lori Tesorioro spoke in opposition to the proposed development. She said she did not feel that Fayette County owed this developer for was obligated to ensure that their investment was profitable. She expressed concern with a building that would be more than one story and she asked for the Board's consideration to deny this request.

Tim Wilder said he lived in the Heritage Farms Subdivision almost on the corner of Lester Road and Huiet Road. He felt this was the wrong place and wrong time for commercial development.

Edward Tanner commented that two new schools were going in close to this proposed development and the traffic was certainly going to increase. He said since he moved into that area, a large gas station had been built on the corner of

Huiet Road and the lighting and traffic from that station were significant. He asked for the Board's consideration to deny this request.

Melissa Lennon said since she moved into the Heritage Farms Subdivision in 1991 there was gas station with lights shining twenty-four hours, a post office with loud dump trucks coming in and out during all hours of the day and night, the schools and also increased traffic. She expressed concern with the clientele coming in and out of medical office buildings in an area where her children were getting on and off school buses. She said they were a quiet neighborhood and they wanted to keep it that way. She asked for the Board's consideration in denying this request.

Chairman Smith asked if anyone else wished to speak in opposition. Hearing none, he asked Attorney Galloway if he had any rebuttal for the time he had remaining.

Attorney Newton Galloway remarked that this property was definitely going to develop and it would not be residential property. He said the plan itself was subject to review and negotiation with the County. He felt the pressure on this property would be so great that the Board might not be able to control what goes on this property. He said if the property was condemned for the road and actually half of this tract was taken, the pressure on the remaining tract, if it was usable, would be commercial. He said the architectural style and criteria for development that would be compatible with a residential neighborhood. He asked for the Board's consideration to approve this rezoning request and also take into consideration that this was not going to be R-40 property or agricultural property.

Chairman Smith declared the public hearing on this issue closed. He asked for the Board's pleasure in this matter.

Commissioner Maxwell made a motion and Commissioner Pfeifer seconded the motion to deny Petition No. 1204-07, discussion followed.

Commissioner Maxwell said he had met with Attorney Galloway back in January and discussed this issue extensively. He said he was in favor of denial because it was a public safety hazard to put a residential area at odds with the new office development. He said he was supporting a denial of this request. He said in addition to that, this area was completely surrounded by residential property including the Heritage Farms Subdivision and the soon to be developed Waterlace Subdivision. He said there was a very small corner in the Northwest portion that bordered the gas station but this was a very small piece of property as compared to the surrounding residential property. He said the property development would completely change the character of this area by putting office buildings in the middle of residential property. He said there was also a school located just down the street and an office building would certain put additional traffic on the roadway. He pointed out that there was currently no traffic light at the corner of S.R. 54 and Huiet Road and he did not want any additional traffic in that area.

Commissioner Pfeifer said he concurred with Commissioner Maxwell.

Chairman Smith said he also concurred with Commissioner Maxwell's comments but felt the important issue was that the Land Use Plan that was developed for this County and been adhered to over the course of time reflected that this property did not meet the land use requirements of the Land Use Plan.

The motion carried 5-0. A copy of the Ordinance and Resolution denying Petition No. 1204-07, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

PETITION NO. 1207-08:

B. Consideration of Petition No. 1207-08, 54 Prop LLC, Owner, Winn F. Martin, Manager, and Laura Mehl and Tammi Sullenberger of Prudential GA Realty and Attorney L.J. Overman, Agents, request to rezone 0.54 acres from A-R to O-I to be added to the adjacent 4.76 acre tract zoned O-I. This property is located in Land Lot 58 of the 7th District and fronts on S.R. 54 West. Staff recommended approval with one (1) recommended condition. The Planning Commission recommended approval with one (1) recommended condition 5-0.

Laura Mehl of Prudential GA Realty said she represented Winn Martin who was the Manager of 54 Prop LLC and was the owner of 5.3 acres located on S.R. 54 West. She said last year applicant appeared before the Board and requested that the 4.7 acres be zoned O-I and it was approved. She said Mr. Martin had recently acquired an additional .54 acres attached to this piece of property. She said the applicant was requesting that this piece of property also be zoned O-I so that it could be one tract consisting of 5.3 acres of O-I.

Chairman Smith asked if anyone wished to speak in favor of this rezoning request. Hearing none, he asked if anyone wished to speak in opposition to the request. Hearing none, he declared the public hearing on this matter closed. He asked for the Board's pleasure in this matter.

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to approve Petition No. 1207-08 with one recommended condition. The motion carried 5-0. A copy of the recommended condition, Staff's Analysis and Investigation, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1207-08 with one recommended condition, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

PETITION NO. 1205-08:

C. Consideration of Petition No. 1205-08, Rendley Norris, Owner/Agent, request to rezone 4.11 acres from R-40 to O-I to develop a Real Estate Brokers Office and Business Offices. This property is located in Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314. Staff recommended denial. The Planning Commission recommended denial 5-0.

Rendley Norris said he was the owner of this property. He asked for the Board's consideration to rezone 4.11 acres from R-40 to O-I to develop a real estate brokers office and business offices which would be consistent with the Fayette County Land Use Plan. He said he proposed to convert his existing single family home of 35 years from its present residential use to office institutional for use as a real estate brokers office and business offices to be located on 2.74 acres. He said the remaining 1.37 acres would be developed by the construction of a 5,218 square foot office building for use as office/institutional requirements. He said this rezoning request as proposed would grant a reasonable use and development of his property to its highest and best use. He said the proposed development would not over burden the school system, water or other public services but would provide an economic benefit to Fayette County. He said this property fronted on two major highways. He remarked that he would have to bring this up to office standards by improved entrance way with decel lanes which would be decided by the Department of Transportation. He said in regard to the square footage of the property, seven parking spots would only be required and the remainder would be behind the front property line to the side and rear. He noted that there were a lot of trees currently on the property and he did not plan to remove any of these. He said the house would remain on the property and it would fit in with the neighborhood. He said he wanted to make this into two parcels with the one fronting on S.R. 314 and each parcel having a separate driveway but noted that these two properties would not be connected. He said he did have two curb cuts there now and would have to be brought up to D.O.T. standards. He said the proposed construction office building would be built to conform with the surrounding residential look and it would be a four sided brick building probably consisting of four offices.

Mr. Norris further remarked that the property was located across the street from Liberty Baptist Church with some O-I zoning in the area as well as to the South. He said in 1995 he had come before the Board and requested that his property be added to the land use as O-I zoning which staff had approved. He pointed out that the current traffic count for vehicles going past his house was over 40,000 vehicles per day and that was equal to approximately one-third of the County's population and this was only going to increase.

Chairman Smith asked if anyone wished to speak in favor of the request. Hearing none, he asked if anyone wished to speak in opposition to the request.

David Brill presented a petition to the Board with signatures of citizens in opposition to the rezoning of properties from the current residential or agricultural, to office institutional (O-I) or any commercial zoning of properties at or along State Roads 279 and 314 in North Fayette County. A copy of the petition, identified as "Attachment No. 7", follows these minutes and is made an official part hereof. He said if this request was approved, it would be the beginning of future requests and would change the character of the area. He suggested the County revisit the Land Use Plan for this area.

Terise Lang spoke in opposition to the rezoning request and asked the Board to consider denial of this application. She said it takes a village to keep the quality of life in that village. She asked the Board to consider the voices of the people and deny this request.

Malcolm Hughes spoke in opposition to this request and felt there were environmental issues, traffic issues, safety issues as well as changing the character of the neighborhood. He questioned what made this rezoning request good for Fayette County when these services were already available within five minutes. He said the developer would be able to realize a very generous and reasonable economic return without rezoning. He said approval of this request would only take away the residential character of the Providence Subdivision located across the street. He asked the Board to hear the voices of the citizens and deny this request.

Dr. George Patton spoke in opposition to this rezoning request. He noted that spot zoning almost came into this area several years ago and was denied. He felt this request was the same as spot zoning and he asked the Board to deny the request for this rezoning.

Mildred Smith-Adams spoke in opposition to this rezoning request. She commented that there were two residential subdivisions in this area one being Hampstead Subdivision. She noted that there were already three gas stations within one mile and a half of the proposed rezoning. She pleaded with the Board to deny this request.

Herman D. Hughes remarked that he had purchased property directly across from the proposed site consisting of 20.5 acres. He said his three children had also selected their spots where they wanted to build homes. He said the proposed development would be detrimental to his property. He asked for the Board to deny this request and keep the integrity of the residential feel for the area.

Chairman Smith asked if anyone else wished to speak in opposition. Hearing none, he asked Mr. Norris if he had any rebuttal or closing comments.

Mr. Norris said he also shared his neighbors' concerns. He said no one could stop the growth that would be coming in and this land use had been on the map since 1995. He said according to the County's Comprehensive Land Use Plan, residential was not the best use of the property and O-I was recommended. He said he had already sold the right-of-way to the D.O.T. for the project on the rear of the property. He said this was not spot zoning and he could have requested O-I zoning in 1995 but chose not to at the time.

Chairman Smith declared the public hearing closed. He asked for the Board's pleasure in this matter.

Commissioner Maxwell made a motion and Commissioner Frady seconded the motion to deny Petition No. 1205-08, discussion followed.

Commissioner Maxwell remarked that this request would be spot zoning if the Board had approved the request and would have started a domino effect. He noted that there was no property zoned O-I at this intersection. He also noted that if this had been approved, that the traffic would have significantly increased in that area with traffic accidents as a result.

Commissioner Pfeifer interjected that this proposal was not appropriate for this area of the County.

Commissioner Horgan remarked that this project would be a detriment to this community and did not need to be located in that neighborhood. He said he was 100% against this proposed development.

Commissioner Maxwell pointed out that under the 15 minute rule for comments under the public hearing section not everyone who was opposed got to speak. He asked those individuals in the audience to stand up if they were opposed to this request and those individuals did so.

Chairman Smith said he would entertain the suggestion made by Mr. Brill that the County revisit the Land Use Plan for that area. He suggested that this was something that should be done. He felt this warranted the Board to direct staff to review this particular intersection and Commissioner Pfeifer agreed.

The motion carried 5-0. A copy of the Ordinance and Resolution denying Petition No 1205-08, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

PETITION NO. 1206-08:

D. Consideration of Petition No. 1206-08, Elizabeth D. Brown and Wayne L. Brown, Jr., Owners, and Attorney Nathan M. Wheat for Racetrac Petroleum, Inc., Agent, request to rezone 2.75 acres from R-40 to C-C to develop a Convenience Store with Gasoline Sales. This property is located in Land Lot 230 of the 13th District and fronts on S.R. 279 and S.R. 314. Staff recommended denial of C-C and approval of O-I. The Planning Commission recommended approval of O-I with one (1) recommended condition 4-1.

Attorney Nathan Wheat remarked that he represented the applicant in this rezoning request. He said the applicant was requesting to rezone 2.75 acres from R-40 to C-C to develop a convenience store with gasoline sales. He presented a Constitutional Challenge to the Board to be made a part of the minutes. A copy of the Constitutional Challenge, identified as "Attachment No. 9", follows these minutes and is made an official part hereof. He remarked on behalf of Racetrac Petroleum and the Browns that a denial by this Board for this rezoning request would constitute a violation of their constitutional rights for the reasons listed in those objections. He said he would be commenting on three points regarding this application: (1) the benefits of the project; (2) constitutional aspect of this petition; and (3) arguments made in opposition to this petition at the Planning Commission meeting held on March 6th.

Phillip Cockran, Senior Engineering Project Manager for Racetrac Petroleum, remarked that they would provide for competitive fuel pricing and this business would also be a stable and reliable addition to the County's tax base. He noted that the building had also been redesigned to comply with the local architectural requirements.

Attorney Nathan Wheat commented on the history of this property. He noted that (1) in 1995 the Board passed a Land Use Plan calling for the subject property to have a future land use of commercial zoning; (2) currently there is enormous traffic in this area with approximately 40,000 vehicles per day on average which results in increased stops; (3) the two parcels are located at the intersection of two major State highways; and (4) incompatible with O-I zoning that requires a 30 foot buffer in addition to any setbacks and this would make this project a very tight fit. He further commented on the tremendous traffic in that area resulting in increased stops. He said the applicant would accommodate any turn lanes that the D.O.T. might propose. He noted that a gas station was considered a passerby destination with peak hours. He commented on the issue of crime. He said the attendant would be in a closed area with a small window and the area would be well lighted. He read into the record the following letter from Mrs. Brown to Chairman Smith: Mrs. Brown said that she and her son Wayne had appeared before the Fayette County Zoning Board on March 6, 2008 along with representatives of Racetrac Petroleum requesting commercial zoning for their property at the intersection of S.R. 314 and S.R. 279. She said the final decision was going to be made tonight. She said the request for commercial zoning was the highest and best use of this property. She said in looking at the Fayette County Zoning publication for 1985 to 2000 there was no mention of O-I only commercial highway. She said other such intersections in Fayette County were already zoned commercial as they should be. She said anyone traveling on S.R. 279 or S.R. 314 was aware that the traffic and noise. She said it was unsuitable for residential use. She said in 1990 the D.O.T. changed their lives forever when they cut through her five acres to build a so called safe intersection. She said all of the citizens were opposed to the change but this was done anyway. She asked how safe this was. She said she was born not a mile from her present home and had lived most of her nearly 90 years on the property that was a land grant to Abraham Eason in 1821. She said Wayne was the seventh generation to live here. She said when she and her husband built the present home they expected to live out their lives on this spot. He did and now she has no choice except to find another place to live. She said Racetrac would not create anymore traffic than was already here. She said no one goes out of their way to buy gasoline and they buy it on their way to or from work and would not go an extra mile at a cost of over $3.00 per gallon. She asked for the Board to show courage enough to give her the commercial zoning that she needed to receive the highest and best use for the property at the March 27th Board meeting.

Chairman Smith asked if anyone wished to speak in favor of this rezoning request.

Mrs. Elizabeth Brown remarked that she would be 90 years old in December. She said the property was not suitable for residential and she asked for consideration for the Board to zone this property commercial.

Chairman Smith asked if anyone else wished to speak in favor of the request. Hearing none, he asked if anyone wished to speak in opposition.

Reverend Darryl Jones remarked that he was in opposition to this request because of (1) traffic concerns including the volume, starts and stops and the lane change from two lanes to one lane; (2) area was indicative of a residential community with a lot of children and school buses; (3) no similar commercial development in the area; (4) three churches in close proximity; and (5) several gas stations already existing in the area.

Aisha Abdur-Rahman expressed concern with the tremendous traffic already existing in this area and the public safety issue that exists. She said there were also a lot of trucks in the area and now there would be gasoline tankers as well. She expressed concern with crime and the lack of security that she had experienced at other Racetrac developments.

Wayne Kendall, President of the Northridge Subdivision Homeowners Association remarked that almost every household in the Northridge Subdivision was opposed to this rezoning request. He expressed concern with (1) the possibility of underground gasoline storage tanks; (2) bright lighting; gasoline tankers delivering gas; (3) dumpster trucks collecting

garbage; and (4) issues of site distance and turning into this facility. He also noted that there was no petition before the Board for O-I zoning and pointed out that the petition was for commercial zoning.

Frank Andre′ remarked he had lived here for 32 years. He said less than half a mile North of the subject property was Woodland Road Water Association that services and sells water to 15 single family homes on Woodland and Mayfair Lane. He expressed concern with gasoline leakage and for that reason alone he was strongly opposed to this request. He noted that there was no compelling need for a gas station and remarked that there were five stations less than one mile away from this proposal. He urged the Board to deny this request.

Gail Raby expressed concern with (1) increased traffic; (2) noise; (3) traffic accidents; (4) danger with children getting on and off school buses; (5) decreasing property values; and (6) the disfiguration of the area away from residential that would result.

Dana Lewis remarked that she used to live on I-285 and Riverdale Road and had experienced this type of facility before. She expressed concern with the tanker trucks that will come in during the night to fill up the pumps and the strong gasoline fumes that result and spread through the community.

Dale Klauss commented that it was only three miles to the next closest gas station if someone were to run out of gas.

Attorney Nathan Wheat clarified that the applicant was asking for community commercial and not highway commercial and there would be significant limitations in place for that zoning. He asked Phillip Cockran to speak on the underground storage issue.

Phillip Cockran remarked that Racetrac Petroleum meets or exceeds the 2009 E.P.A. standards for underground storage tanks. He said in regard to vapor recovery, metro Atlanta was a stage II non-attainment area and this requirement would be met by Racetrac. He said in regard to site lighting, that through modern lighting technologies the lighting on site would be reduced. He further remarked that if anyone had gone to any of the area Racetrac stores and experienced anything relating to crime, to make the store manager aware of this or contact a retail manager.

Chairman Smith declared the public hearing portion closed. He asked for the Board's pleasure in this matter.

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to deny Petition No. 1206-08, discussion followed.

Chairman Smith said he felt this request had an overriding public safety issue. He said according to the report provided by the Sheriff's Department, this was a very dangerous stretch of highway already and the Board would be remiss not to take public safety into consideration as well as the fact that the Land Use Plan did not show this as community commercial.

The motion carried 5-0. A copy of the Ordinance and Resolution denying Petition No. 1206-08, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Tracy Kincaid: Tracy Kincaid remarked that on behalf of the North Fayette County residents she wanted to thank the Board of Commissioners for voting against the two rezoning issues in her area.

Reverend Darryl Jones: Reverend Jones asked for clarification of the denial vote on Petition No. 1206-08.

Dale Klauss: Dale Klauss commended the Board for their votes in opposition to the rezoning requests tonight. She said she hoped to have the same members on the Board or members as good as the current Board on future Boards of Commissioners.

Mildred Smith Adams: Mildred Smith Adams thanked the Board for listening to the concerns of the citizens regarding the rezoning requests tonight and voting no to these requests.

Lisa Neely: Lisa Neely thanked the Board for taking into consideration the neighborhoods surrounding the rezoning requests and their property values.

Cornelious Williams: Cornelious Williams thanked the Board members for their votes in denying the rezoning petitions tonight.

CONSENT AGENDA: Commissioner Maxwell requested consent item no. 8 be removed for discussion. Commissioner Horgan made a motion and Commissioner Frady seconded the motion to approve the consent agenda as presented with the exception of consent item no. 8. The motion carried 5-0.

REQUEST FOR PROPOSAL #P640 - COMMUNITY DEVELOPMENT SOFTWARE:

1. Approval of recommendation to award Request For Proposal #P640 for Community Development Software to EnerGov Solutions for the purchase of a building permit and inspection software module for the Permits & Inspections Department in the amount of $54,779.85. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

PROPOSAL #P651 - AUCTIONEERING SERVICES:

2. Approval to accept staff's recommendation to award Proposal #P651 for Auctioneering Services, to Arwood Auction Company for disposal of surplus county property. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

STREET LIGHT DISTRICT - DIX-LEE'ON SUBDIVISION:

3. Approval of staff's recommendation to allow Dix-Lee'On Subdivision to become a street light district. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - CRIMINAL INVESTIGATION DIVISION:

4. Authorization to amend the Overtime Budget Account for the Fayette County Sheriff's Office Criminal Investigation Division to include amounts reimbursable from federal funds. A copy of the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

WATER COMMITTEE - PEACHTREE CITY REQUEST FOR EASEMENT FOR MULTI-USE PATH:

5. Approval of the Water Committee's recommendation for approval of a request from Peachtree City for an easement to construct a multi-use path on top of the county's 20" raw waterline located at Cooper Lighting, with the stipulation that in the event of waterline breaks, Peachtree City will make the necessary repairs to the path. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

WATER COMMITTEE - SOUTHERN CONSERVATION TRUST TO RELOCATE A PORTION OF LINE CREEK NATURE TRAIL:

6. Approval of the Water Committee's recommendation to approve the request from Southern Conservation Trust to relocate a portion of its trail in the Line Creek Nature Area which will be under water in the future due to the construction of Lake McIntosh. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

WATER SYSTEM - INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF EDUCATION FOR WATERLINE INSTALLATION:

7. Approval of request from the Water System Director to enter into an intergovernmental agreement with the Board of Education for the installation of a waterline to the Rivers Elementary School near Tillman and Sandy Creek Roads. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

WATER SYSTEM - WATERLINE EASEMENT FROM PEACHTREE CITY FIRST BAPTIST CHURCH:

8. Approval of request from the Water System Director for survey work to be performed at a cost of $1,400 by Rochester and Associates for a waterline easement from Peachtree City First Baptist Church. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

Commissioner Maxwell and Commissioner Frady stated that they both members of the Peachtree City First Baptist Church and would abstain from the vote.

Commissioner Pfeifer made a motion and Commissioner Horgan seconded the motion to approve consent agenda item no. 8 as presented. The motion carried 3-0-2 with Commissioner Maxwell and Commissioner Frady abstaining from the vote.

WATER SYSTEM - WATER MONITORING AGREEMENT WITH CITY OF FAYETTEVILLE:

9. Approval of recommendation of the Water System Director to enter into a Water Monitoring Agreement between the City of Fayetteville and Fayette County. A copy of the request and the Agreement, identified as "Attachment No. 19", follow these minutes and are made an official part hereof.

SHERIFF'S DEPARTMENT - ELECTRICAL UPGRADES TO THE FUEL ISLAND PROJECT:

10. Approval of staff's recommendation to issue a change order for electrical upgrades and repairs to the fuel island project at the Sheriff's Department at a cost of $8,446. A copy of the request and the change order contract, identified as "Attachment No. 20", follow these minutes and are made an official part hereof.

MINUTES:

11. Approval of minutes for Board of Commissioners' meetings held on March 5, 2008 and March 13, 2008.

ADMINISTRATOR'S REPORT:

None.

ATTORNEY'S REPORT:

None.

STAFF REPORTS:

None.

BOARD REPORTS:

Commissioner Maxwell: Commissioner Maxwell remarked that four weeks ago the Board was in this meeting room and was criticized for the lack of district voting in Fayette County. He said what had occurred tonight was probably the best example to highlight why district voting was so offensive. He felt the rezoning issues tonight would have been handled completely different if there had not been at-large voting. He said if district voting had been in place there would have been no incentive on the Commissioners who did not live in that district to listen to the petitioners, take the telephone calls and respond to e-mails. He felt this was a perfect example of why this Board and the way in which Commissioners were elected in Fayette County should stay at-large.

Commissioner Frady: Commissioner Frady commented that nobody tonight had criticized the Board on how business was conducted in the various districts. He remarked that this said a lot about how business was conducted here and why people were moving to Fayette County.

Chairman Smith: Chairman Smith commented on the Board's action at the March 13th meeting regarding the modification of the rules for outdoor watering. He noted that it had been stated that citizens would have to go to a an agricultural website to take a short test in order to be approved to do outdoor watering for new landscaping. He said it turned out that citizens would have to pay $4.95 to take this test. He said he wanted to make sure that citizens were aware that they could be approved to do outdoor watering by simply going to the County Extension Service located here at the Administrative Complex at no charge.

ADJOURNMENT:

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to adjourn the meeting at 9:25 p.m. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk Jack R. Smith, Chairman

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 April, 2008.

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Karen Morley, Chief Deputy Clerk