

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, May 24, 2001, 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
 A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
 Carol Chandler, Executive Assistant
 William R. McNally, County Attorney
 Karen Morley, Chief Deputy Clerk

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

**FAYETTE COUNTY FIRE AND EMERGENCY SERVICES RECOGNIZED FOR THEIR
“STORM READY” PROGRAM:**

Chairman Dunn remarked that Fayette County had the pleasure of this presentation tonight and he introduced Chief Jack Krakeel to come forward.

Chief Jack Krakeel remarked the two individuals who were really responsible for Fayette County’s designation this evening were the Coordinator of the Emergency Management Program Pete Nelms and George Knight who was one of the reserve members who volunteers his time and energy and was really the focal point for this effort and also did a lot of leg work in moving this project forward. He extended his appreciation to them for all of their hard work in getting to this point today. He said it was his honor this evening to introduce several individuals who would be making this presentation. He said the first gentleman was Lans Rothfusz from the National Weather Service in Peachtree City who was the Chief Meteorologist and Charley English who was the Director of Operations at the Georgia Emergency management Agency.

Lans Rothfusz remarked on the storm ready program. He said this program was developed by the National Weather Service to ensure that communities were well prepared for severe weather. He said it had been discovered approximately two years ago that there were no standards to tell a community how to be well prepared for severe weather. He asked what things a community needed to be in place to ensure that they have all of these things to be ready for severe weather. He said the National Weather Service worked very closely with emergency management and developed a list of criteria and made it available for communities to work toward. He said he was delighted tonight to make a presentation to Fayette County as one of the six counties in the State of Georgia that has been recognized as storm ready.

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Mr. Rothfusz remarked that storm ready was a program designed to recognize those communities who have prepared well for hazardous weather. He introduced Charley English of the Georgia Emergency Management Agency.

Charley English remarked that in the last several years the roads to Fayette County had been well traveled by representatives of State and Federal agencies and National associations recognizing the outstanding achievement of this community and especially that of the fire department and the emergency management organization operated through the fire department. He said on behalf of Governor Barnes and the Georgia Emergency Management Agency he wanted to congratulate Fayette County on this recognition. He said he especially thanked the Board for its support of emergency management in this community. He said this meant a lot to him not only being a full time professional in the field but also because his family lived in this community too.

Mr. Rothfusz said he wanted to take the audience inside the National Weather Service. He said at this very moment there was severe weather going on. He said this was one of the reasons that he had to get back to the center. He said there were times during severe weather operations when the meteorologists were sitting at the radar and would have done their job by putting out their products and services. He said they would have put out a tornado warning and all sorts of statements to the community to tell citizens that there was danger approaching. He said there was something that happens in his office time and time again after the meteorologists have done all that and have put that information out. He said they asked themselves then if that community in danger was prepared. He said the meteorologists have done all that they can to get the information out and then the responsibility was on the local community to take the information and act upon it whether it be through sirens or cable interrupt. He said all of that was preparation in advance for the incoming storm. He stated that there was only so much that the National Weather Service could do and then it must be turned over to the local community. He said Fayette County in particular had really done its job well and that was what storm ready was all about. He said it did go a little further than this. He said this did not stop at the community level. He said responsibility for severe weather preparedness goes to the personal level and something that each and every citizen should be doing throughout the entire year.

Mr. Rothfusz further remarked that citizens could purchase a weather radio and get well prepared for severe weather. He said he wanted to stress that having Fayette County be storm ready did not mean that Fayette County was storm proof. He said the storms would still come and would still occur. He said storm ready did say to the community was that things had been done to make the county ready for that eventuality. He said he would like to make a presentation of the Certificate to Chief Jack Krakeel.

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Mr. Rothfusz presented a Certificate to Chief Jack Krakeel and Chairman Greg Dunn recognizing Fayette County as a storm ready county from April 27, 2001 to April 30, 2003. He said this was a two year program. Mr. Rothfusz also unveiled a road sign that would appear on the roads leading into Fayette County.

Chairman Dunn remarked that on behalf of the Fayette County Board of Commissioners he was proud to accept this Certificate and also proud to have this sign appearing in Fayette County. He said the role that the Board played was very minor. He said the Board took good advice from the staff and let them run with the ball. He remarked that Pete Nelms and George Knight were the ones who Chief Krakeel said had done the most on this program. He said the Board was very proud of them and very proud of Chief Krakeel and the Department of Fire and Emergency Services. He said he was also very proud of the fact that this was a great example of a partnership between the Federal government, the National Weather Service, the State government, the Georgia Emergency Management Agency and Fayette County government. He said Fayette County was very well prepared because of people like Pete, Jack and George. He said he would like to thank these individuals on behalf of the Board for all of their efforts.

Mr. Rothfusz said he would like to declare Fayette County officially "Storm Ready".

REZONING PETITIONS:

Chairman Dunn remarked that the Board of Commissioners would only have four members for a couple of more months. He said at the last Commission meeting the Board unanimously passed a resolution to amend some of the rules that apply to rezonings. He said he wanted all three petitioners on tonight's agenda to realize that they had the option of deferring the hearing on their rezonings until July 26th. He said the Board had been assured that there would be a new Commissioner by that time. He said each petitioner would need three votes to have their rezoning approved. He pointed out if the Board ended up with a 2 to 2 vote the motion would be considered a denial. He asked each petitioner if they wished to proceed tonight.

Becky Morris said she would like to have the request heard tonight.

Mark Wurster said he would like to have the request heard tonight.

John Profit said he would also like to have the request heard tonight.

Chairman Dunn said the rezoning requests could now proceed.

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County

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

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

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

PETITION NO. 1078-01:

Zoning Administrator Kathy Zeitler read Petition No. 1078-01, Frances A. Loyd, c/o Rebecca Cook, Owner, and Becky B. Morris, L.A., Agent, request to rezone 4.585 acres from A-R to O-I to develop an Office Park (offices and bank) consisting of four (4) lots. She said this property was located in Land Lot 58 of the 7th District and fronts S.R. 54 West and Flat Creek Trail. She said the Planning commission recommended approval (4-0) and Staff recommended approval.

Becky Morris remarked that she was the agent for the owner of the property. She said this was a four and a half acre site on the corner of Flat Creek Trail and S.R. 54. She said it was located in the overlay zone. She said the proposal was to divide this site into four tracts for offices. She said the corner tract which was the front tract would be four and one half acres. She stated a bank was proposed for that tract and this would be the Southern tract. She said the other three tracts would be the offices of the architectural renderings before the Board. She said the bank would be similar in nature to these but there would be a different design for

the drive thru. She said the drive thru was oriented on the bank site away from Flat Creek Trail. She said that site did not actually have a rear property line and only had two fronts and two sides. She remarked that there were two shared drive accesses on Flat Creek Trail and instead of having four drive accesses there would only be two. She said the D.O.T. had reviewed the site plan and wanted the access onto S.R. 54 far away from the intersection of Flat Creek Trail as possible. She said it had been shown that way. She said the frontage was approximately 250 feet away from Flat Creek Trail. She said detailed drawings would be submitted to the Department of Transportation and they would advise how they would like these lanes to be configured. She said it would be a right in and right out. She said they were not proposing any sort of cut on the median. She said there would be a shared detention pond and this would be on lot #2 in the back. She said this was the low area of the site and all of the drainage would flow to that area. She said there were no creeks or water protection areas on this site. She said the water would flow from here down toward the highway to a ditch and under Flat Creek.

Ms. Morris said there was an old house which was Ms. Cook's and this was on the site and this would be removed. She said there were some nice oaks and pecan trees in front of that house and these were located in the 50 foot landscape buffer for the overlay. She said hopefully most of these large trees would be saved. She said there were quite a few trees on the Eastern property line which was in the buffer and these would also be saved. She said they would enhance where necessary to fill the buffer in. She said Flat Creek Baptist Church was to the North of the property. She said that was the parsonage and there was a buffer between the tract and the parsonage. She said those trees would also be retained and enhanced where needed. She said this tract meets all of the requirements of the overlay zone. She said when the detailed plans were done for each site they would really firm those requirements up. She said there would be pitched roofs and brick siding and the architectural look to the buildings. She said she would be glad to answer any questions that the Board might have.

Chairman Dunn asked which one of the buildings would be the bank.

Ms. Morris responded the bank had not been designed yet. She said these drawings were for lots 2, 3 and 4 but the bank would look like the other buildings.

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

Claire Rogers, Fayette Villa Estates, Fayetteville felt it would be a good idea for the Board to remember the reasons for the overlay zone. She said this was supposed to be a protected strip and it was to keep Fayette County from looking like Clayton County and also from looking like Coweta County and the way it was beginning to look. She said what the Board did tonight would be really important. She said there was an adjacent property on the flip side of Flat

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Creek Trail consisting of four acres. She said she could just see a mirror image of this hop scotching all the way into Peachtree City. She said this was not the intent of the overlay zone. She said there were three reasons given for developing the overlay zone. She said (1) was to maintain an efficient traffic flow. She said she had spoken with several bankers who have buildings that face onto S.R. 54 such as this proposed property. She said the bankers told her the traffic numbers were very high. She said the bankers told her that the ATM after hours transaction numbers were very high. She said every one of the transactions brings a vehicle with it. She said (2) was to maintain a non-urban separation between Fayetteville and Peachtree City. She said this was as urban as Fayette County gets. She said this was a two story grouping of buildings in the middle of a stretched out, large acreage, ranch house, residential area bordering all of this. She said this project would jump out of nowhere and would look very odd ball. She felt this project was not the way to maintain a non-urban separation. She said (3) was to protect existing and future residential areas on S.R. 54 corridor. She said there was no off button to a bank with ATM service. She said the bank would operate 24 hours a day and all weekend long. She said high security lighting would have to be a part of this. She asked for the Board to consider the traffic impact, the lighting impact and the odd ball hours that would not go away. She said she did not feel that a bank would make as good a neighbor as it used to. She said the ATM had changed all of that and this was a 24 hour operation. She said she did not feel it appropriate or that it would protect the existing future residential areas along this corridor. She felt this was not in keeping with the general overlay plan. She urged the Board to deny this request.

Chairman Dunn asked if anyone else wished to speak in opposition. Hearing none, he asked if Ms. Morris had any rebuttal.

Becky Morris remarked that she did not really have a rebuttal but a remark. She said she had worked with South Tree who was a developer and builder in Tyrone for the last several years on the northern part of Tyrone off S.R. 74. She said their buildings were very nice and had a residential appearance. She said they landscape well, have irrigation systems, use sod and they are nice buildings. She said these have more of a residential feel.

Commissioner Frady felt this would fit into the scheme that was meant for the corridor. He said all of the buildings that have been approved thus far are of a residential nature and not off beat and were built similar to what this one would be.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve Petition No. 1078-01 as presented, discussion followed.

Commissioner VanLandingham remarked that since there was no indication of what would be in the three buildings other than office space and the bank, looking at the parking, the impervious surface and each building requiring a separate septic system, he did not see the

room for all of this on this tract. He said there certainly would not be an alternate site unless someone wanted to tear it down and start all over. He felt there was too much going on this amount of land for the use that was requested. He said the buildings would fit in but he felt there was probably one too many. He said he did not see an alternate site for a septic system on this property. He commented that due to the failures that were occurring in Fayette County right now that this should be taken into consideration. He said with a proposal for this number of buildings he could not support the request.

Commissioner Wells said she had not chosen to second the motion simply because on one hand she tended to agree with Claire Rogers who previously spoke on the urban structures and so forth. She said she also understood that this project did meet the land use plan and was compatible with the surrounding area. She said this would not be her preference but on the other hand she could think of a lot of other things that she would not want to see there. She said she would not want to see retail there or some of the other things that could come into the area. She said she also agreed with Commissioner VanLandingham on the septic tank issues. She said she had been a member of the Board of Health for several years and was very cognizant and concerned about the potential of failures. She pointed out that there was no groundwater runoff, no streams or problems with water already in that position. She said it would be up to staff to determine whether or not those proposed four buildings would fit on this 4.6 acres. She said if staff determined that the soils did not perk and there was not an adequate plan for them, then that would eliminate whether or not there would be a fourth building. She said although she was not going to support it by seconding it because she was not particularly enamored with it although she felt it was a lot better than some of the things that could go on that location, she would support the motion.

Chairman Dunn said his understanding of the overlay zone was very similar to Ms. Rogers and that was to protect things and not let this area be overgrown. He said he was also aware when the S.R. 54 corridor went in that it was anticipated at this particular intersection that this would eventually be an Office/Institutional area. He commented that there were several of these nodes along the S.R. 54 corridor like this. He said, while he might agree that he would not like to see four more buildings there, he felt it was consistent with what was intended by Boards of the past and what this Board had approved in the past. He said he would support this request and he felt it did fit within the Land Use Plan and the intended use of the S.R. 54 overlay corridor.

The motion carried 3-1 with Commissioner VanLandingham voting in opposition. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1078-01, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PETITION NO. 1079-01:

Director of Zoning Kathy Zeitler read Petition No. 1079-01, Mark Wurster, Owner/Agent, request to rezone 1.01 acres from M-1 Conditional to M-1 to develop Indoor Recreation. She said this property was located in Land Lot 217 of the 5th District and fronts on Walter Way. She stated the Planning commission recommended approval (5-0) and Staff recommended approval.

Commissioner Wells announced that she would be abstaining from this particular discussion and vote.

Mark Wurster remarked that this request was a simple one. He said this involved one of the parcels in the Kenwood Business Park. He said all of the 130 parcels in the Business Park were zoned M-1. He said this particular parcel was zoned prior to his acquiring it and somehow it was zoned M-1 Conditional. He said the people that he purchased he just wanted to make sure that they could expand their business. He said all he was requesting was just to get it back to M-1 to coincide with what was in the Park. He said he did have a tenant that was interested in leasing it. He said he would be glad to answer any questions the Board might have.

Chairman Dunn asked if anyone wished to speak in favor of this request. Hearing none, he asked if anyone wished to speak in opposition. There were no comments in opposition. He asked for the Board's pleasure in this matter.

On motion made by Commissioner VanLandingham, seconded by Chairman Dunn to approve Petition No. 1079-01 as presented. The motion carried 3-0-1 with Commissioner Wells abstaining from the vote. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1079-01, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

PETITION NO. 1080-01:

Director of Zoning Kathy Zeitler read Petition No. 1080-01, Mary Katherine Reid, Owner, and John Profit, Agent, request to rezone 0.51 acres from A-R to R-70 to add said property to 1.54 acres to develop one (1) single-family dwelling lot. She said this property was located in Land Lot 72 of the 7th District and fronts on Dogwood Trail. She said the Planning Commission recommended approval with one (1) condition (5-0) and Staff recommended approval with one (1) condition.

John Profit said he was the Agent for Mary Katherine Reid. He said they were looking to consolidate two portions. He said the .51 acres was directly in front of the 1.54 acres which was previously approved for rezoning. He said he wanted to consolidate this into a 2.05 acre lot as zoned for R-70.

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Chairman Dunn asked if anyone wished to speak in favor of this request. Hearing none, he asked if anyone wished to speak in opposition. There were no comments made in opposition. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve Petition No. 1080-01 including the one recommended condition as presented, discussion followed.

Chairman Dunn clarified that the request was to rezone .51 acres which would make it 2.05 acres of R-70. He said there were already two acres of R-70 and the .46 acres have to go back into the parent piece of property.

Zoning Director Kathy Zeitler replied that was correct.

Chairman Dunn said this would present a problem for the applicant in the future in that the A-R property now had a piece of R-70 on it.

Mr. Profit said the parent company was a much larger piece of property. He said there were no current plans to do anything with the parent property. He said applicant was simply looking to consolidate this portion.

Chairman Dunn remarked that by doing that petitioner would incur a future problem in that not much could be done with the other piece of property until it was all zoned the same way.

Mr. Profit remarked that there was a buyer for the two acre tract.

Chairman Dunn said he also wanted to confirm that the motion included the one recommended condition.

Commissioners Frady and VanLandingham agreed that they did include the one recommended condition.

The motion carried 4-0. A copy of the one 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. 1080-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

DISCUSSION OF PEDESTRIAN PATHS ALONG REDWINE ROAD:

Public Works Director Lee Hearn asked for the Board's pleasure in going forward with this project.

Chairman Dunn asked for Mr. Hearn's recommendations.

Mr. Hearn remarked that this was a project that had a lot of history to it. He said the A.R.C. had been petitioned in 1997 with an application to construct a path with CMAQ funds. He said the CMAQ funds were 80% Federally funded and 20% locally funded. He said Fayette County had chosen to partner with the City of Fayetteville to propose a path from S.R. 85 along Beauregard Boulevard past Grady Avenue and continue on down Redwine Road to Horseshoe Circle. He said the City of Fayetteville had earmarked \$40,000 in 1997 and Fayette County had earmarked \$50,000 in 1997 to serve as our match on the project. He said when the discussions were held in 1997 with the Atlanta Regional Commission, it was the county's understanding that this project would have funds eligible in 1998. He remarked in late 1997 the funds were not available and the project was pushed out to 2002. He said funds were available July 1, 2001 and these were actually considered to be 2002 fiscal year dollars. He remarked this was where the project stayed for quite a lengthy period of time. He said he found out at a meeting at A.R.C. in March that the county had some items that had to be taken care of before June 30, 2001 to have the construction funds available. He said he was not aware of that. He said the items that had to be accomplished prior to June 30th were a concept plan, an environmental assessment as well as some right-of-way certification.

Mr. Hearn further remarked that time he realized that time was of the essence and he solicited proposals from several engineering firms to get these items accomplished so that funding would not be lost. He said several of the companies that he had spoken with to do the engineering work had in fact said that they would be unable to meet the deadline because there was just not enough time to get that accomplished. He said he had spoken to David Yaegar and Jim Mallett of Mallett & Associates and through their contacts had assured him that they would be able to meet the deadline. He said if the Board wanted to go forward with this project then the engineering work would need to be authorized to begin. He said if everything went as planned, the environmental assessment and the concept plan would be approved and the funding would in fact be available and the project can be constructed. He said if these items were not taken care of and the deadline missed, the project would move out of this current TIP and would move forward to the 2005 TIP. He said when the 2005 TIP was discussed, this project could be discussed again construction funding could be considered as early as 2003. He said if the Board was in favor of this project then the environmental assessment concept plan and a complete set of drawings would need to be done. He said he was looking for the Board's guidance on this matter.

Chairman Dunn remarked that two contractors had indicated that they could do this by June 30th. He said his initial reaction when all of this had come down was how was the ball dropped on this for the last three years. He said after he had reviewed everything at the A.R.C. he understood what had happened. He said this was a typical A.R.C. job. He said the money was running out and they did not say anything to the county for three years and then all of a sudden the county had a couple of months to get it done. He stated unfortunately that

money would be returned to the Federal government if the project was not done. He pointed out there were bike paths, cart paths and walking paths all over the metro area that were suffering the same problem today. He said he did like the idea of having the paths in the county but he wanted to make sure that the project was done in the quality and time frame that it should be done. He pointed out in 1997 when this issue first arose, it was agreed to do this project with the City of Fayetteville. He said he had also tried to engage the City of Peachtree City. He said it was his understanding that Peachtree City was not interested in partnering with the county on this.

Mr. Hearn remarked that he had not talked with Peachtree City in a long time concerning this matter. He said there had been no activity that he had seen on this project.

Chairman Dunn said he was going to assume that Peachtree City was not interested and they had not shown any interest in the last three years. He clarified that this project would just involve the City of Fayetteville and Fayette County. He said this would be phase I. He said the county would have a claim on other monies to complete the project in future years. He said the first phase of the project would go down to Horseshoe Circle from the City of Fayetteville and then in future years the job could be completed.

Mr. Hearn said that was correct. He remarked that funds had not been committed for phase II. He said the county's approach had been to see how well these projects were accepted and whether this would be a positive impact or a negative impact. He said he also wanted to see after a couple of miles of the multi use trails were constructed what the cost would be. He said there were some hidden costs in this project such as the environmental assessments, concept plans and those types of things. He said phase II was not really planned on until a good handle on the cost was obtained and getting a good feeling from the community about the paths. He said the other reason nothing was planned for phase II was because Whitewater Creek would have to be crossed and this would be a relatively expensive proposition. He said if phase I was completed and then go back to the A.R.C. and request CMAQ funding for phase II, the county would stand an excellent chance of getting that approved.

Chairman Dunn said the documents indicated that the county had some claim to money for phase I and phase III but not phase II.

Mr. Hearn responded that phase III and phase IV were sponsored by Peachtree City. He said the county did not lobby for those particular segments. He said at this stage the county was not prepared nor was it planned to pursue phases III and IV.

Chairman Dunn asked if Peachtree City was still planning to do something with phases III and IV.

Mr. Hearn responded he was not sure but it would probably be five or six years from now.

Commissioner Frady asked how far the path would be down to Horseshoe Circle.

Mr. Hearn replied it was a little over two miles.

Commissioner Frady said he was going to ask the same question that he asked in 1997. He asked what if at some point in time Redwine Road had to be widened. He asked what would happen to this path.

Mr. Hearn replied that the county had 80 feet of right-of-way and the county's plans all along have been that the path would be constructed on the outside edge of the right-of-way. He said there would be 40 feet less 12 to 20 feet and there would still be 28 feet to build lanes, shoulders and that sort of thing from the center line of the road. He said a lot could still be done with the 80 feet of right-of-way out there now.

Commissioner Frady asked how much it would cost to construct the path on that section.

Mr. Hearn responded that the original estimate was a cost of \$360,000 and that included \$315,000 for construction and engineering costs in the amount of \$45,000.

Commissioner Frady interjected that the 1997 minutes stated the cost was \$158,000 per mile.

Mr. Hearn remarked that Barry Amos in Tyrone had completed a couple of paths along Castlewood Road. He said the figures were pretty consistent with what was anticipated. He said a lot of this depends upon how involved the grading was and how many stream crossings need to be done. He said the area that was in question was relatively open.

Commissioner Wells asked for the county's cost.

Mr. Hearn responded that the county's cost would be the \$50,000 that the county committed to plus the engineering costs in the amount of \$45,000. He said until the plans were actually prepared and contractors actually reviewed this, it would not be an easy thing to anticipate.

Commissioner Frady said the minutes reflected that neither Peachtree City nor Fayetteville had committed to any funds for the project. He said he guessed that had now changed. He said it also stated that \$300,000 would have to be put up front on the entire segment of the roadway.

Mr. Hearn remarked that the \$300,000 figure related to the entire project from Fayetteville to Peachtree City. He said this was not going to be done and only a segment would be done.

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Commissioner Frady asked how much money the A.R.C. would be contributing to this project and Mr. Hearn responded \$240,000.

Chairman Dunn clarified that the only thing that had to be done by June 30th was the professional services portion of this project and construction could come later. He said as long as the professional services portion was completed by June 30th the county would not lose the funding and Mr. Hearn replied that was his understanding.

Commissioner Wells asked for the time frame of the construction.

Mr. Hearn responded that the funds for the construction would be available beginning July 1st and a contract would have to be issued before June 30th, 2002.

Commissioner Frady remarked there were two proposals for this project and one being from Mallett & Associates in the amount of \$46,000 and the other company was \$68,000. Commissioner VanLandingham remarked that this was just preparation for the A.R.C. and Mr. Hearn agreed.

Chairman Dunn said if the county was going to proceed on this project, the Board would have to take action tonight.

Commissioner Frady asked how committed the county would be if the engineering work was agreed to.

Chairman Dunn said the Board would be committed to doing the engineering work.

Commissioner Frady said he assumed that the project would be approved if the Board voted to approve this tonight.

Chairman Dunn replied no, and said anything could happen during the environmental assessment.

Commissioner Wells asked how committed the A.R.C. would be once the Board approved this. She asked if the project had been reaffirmed by the A.R.C. She asked if the Board was proceeding on assumptions or had it been revisited of late.

Mr. Hearn said there had been several conversations with the county's contacts at the Georgia D.O.T. and the A.R.C. He said the A.R.C. would like the county to get this project going and see it completed. He remarked that the CMAQ stood for Congestion Mitigation and Air Quality. He said they are basically looking for alternative methods of transportation. He said since the county was connecting a residential area to a park, this was a good project in terms of what the A.R.C. was looking for.

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Commissioner Wells asked where the park was located and Mr. Hearn replied it was Kiwanis Park on Redwine Road.

Commissioner VanLandingham asked if both of the engineering firms understood that this was a June 30th deadline and if they did not meet the deadline what would be the result. He asked if the county would still have to pay the firm that was selected. He said if the county was working under a deadline and the firm stated that they can do it and then they determine that they cannot, would the county still be obligated to pay them.

Commissioner Wells said if the firm could not complete the work by the deadline it might not be their fault. She said some of the environmental reports might result in a problem. She said the firm would certainly be paid for the work that they had done.

Commissioner Frady said in view of the fact that the A.R.C. had guaranteed the county \$240,000 that the county approve Mallett & Associates to complete the engineering work on this project.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve Mallett & Associates, Inc. to perform professional engineering services to be completed by June 30, 2001 regarding a multi-use paved path along Redwine Road, discussion followed.

Commissioner VanLandingham said he understood the fact that there might be an environmental issue to develop where the county could not proceed on this project. He said he was questioning the possibility of the firm not meeting the deadline of June 30th through some fault of their own.

Commissioner Wells said the firm would have to be paid for the work done.

Mr. Hearn remarked if the county supported this project whether it was completed in 2001, 2003 or 2005 there would still need to be an environmental assessment done and concept plan prepared. He said to answer Commissioner VanLandingham's question as an engineer and a Public Works Director he would say yes. He remarked one thing that could be done to lessen the county's exposure on this would be to choose portions of Mallett & Associates' package that the county would have to have before the June 30th deadline.

Chairman Dunn said that would depend upon whether or not the county chose Mallett & Associates to do this work.

Mr. Hearn remarked the Board could just choose to do the environmental assessment and the submittal package for the Georgia D.O.T. He asked David Yaegar of Mallett & Associates if any other work would be required at this time and Mr. Yaegar replied no.

Mr. Hearn remarked instead of a \$45,730 bill this could be cut to a \$13,750.

Commissioner VanLandingham said he needed to know if Mallett & Associates could have the information to A.R.C. by the June 30th deadline. He said every bit of this project hinges on that date. He asked if by some chance Mallett & Associates was not able to complete this by that date, what would happen then.

Commissioner Wells said the county would pay Mallett & Associates for their services provided because these will be necessary when the project is completed.

Commissioner VanLandingham asked if the county would get a second chance at the project if the deadline was not met and Mr. Hearn replied yes.

Chairman Dunn said these were two very reputable firms and the county had done business with one of these firms and they had never let the county down. He said he knew by reputation that the other firm was a very good firm as well.

Commissioner Wells asked when it was proposed that the remainder of the path would be finished. She said she had lived in different places where roads were started leading no where and after ten years they still went no where.

Mr. Hearn remarked it would just depend on what the county wanted to do. He said at the next available opportunity phase II could be submitted as a project and the path could be taken another mile and a half south along Redwine from Horseshoe Circle. He said the county would certainly have the option of doing that. He said the next available TIP would be the 2005 TIP. He said this would cover a three year work program which would be 2003, 2004 and 2005. He remarked this would depend upon what the Board wanted to do and the availability of funding it hinged on this. He said the CMAQ projects had more opportunities for funding than the road widening and the other capacity improvements.

Commissioner Wells remarked that they did today and they did if the A.R.C. chose to look favorably upon a particular community. She commented that Mr. Hearn had responded to her question as to how long it would take for this project to be completed and he replied "it depends". She said this was in no way a shot at Mr. Hearn but she said she hated to start a project when she did not know the plan, the time frame and the expenditures involved. She said "it depends" was too risky especially when the county was dealing with someone outside of the county's boundaries and outside of the county's control. She said since the county had already said that it did not support the increase of fees and A.R.C. themselves, she would hate

for the county to be held hostage in the future with a situation that would depend on their good graces. She said she was just concerned with the nebulousness of this particular request.

Mr. Hearn said if he had known in 1997 that the project would have taken this long, he would not have been as excited about it.

Mr. Cofty said he would like to point out that a great deal of the completion of this project depended on the county. He said staff had spoken with two representatives with the Georgia Department of Transportation who were very much in favor of this project and they wanted to encourage the county to proceed with it. He said they pointed out that these were Federal funds that were being used. He felt once Phase I was completed, it would be possible for Phase II to begin if the Board chose to do so. He clarified that once the application was submitted and approved as of July 1st, then construction could begin on July 2nd.

Mr. Hearn remarked that from a practical standpoint, this probably would not happen because the plans would not be complete. He said from the funding availability, the funds would be available.

Chairman Dunn remarked if the county proceeded through this process and this application was submitted for approval, he felt the first day of the next fiscal year the county should be working on Phase II in order to get the money the following year. He remarked that he lived off Redwine Road and it was a dangerous situation. He said people ride their bicycles along Redwine Road all of the time and it was frightening almost with the near crashes seen along that road. He said he did not know why there was so much bike traffic along the road but there was. He asked if the project would start at Beauregard Boulevard and S.R. 85.

Mr. Hearn responded that the starting point had been revised. He said the City of Fayetteville would like to begin the path at Grady Avenue and proceed southerly down Beauregard and Redwine. He said the City would like to put sidewalks in this first section. He said they have sidewalks on a portion of this already.

Chairman Dunn questioned if the City might have a revised amount of money that they would be willing to put into this project since they were not going to put as much path in.

Mr. Hearn replied that this was possible.

Chairman Dunn asked if Mr. Hearn knew what the City of Fayetteville would be willing to participate with now.

Mr. Hearn responded no and remarked that he had spoken with Joe Morton and Don Easterbrook at the City. He said the City was still very supportive and wanted to see the

county move forward with this project. He said the City was on board at least from a staff level and he felt they also had some conversations with the City Council as well.

Mr. Cofty remarked that he had spoken with Joe Morton earlier this week and the City had tabled this issue depending upon the outcome of the Commission's decision on moving forward. He said the City was still on board.

Chairman Dunn said he had seen some correspondence from the City suggesting that the county use a firm to do this job that was mutually acceptable to both the City and the County. He asked if either or both of the firms who had sent in bids acceptable to the City of Fayetteville.

Mr. Hearn responded that he had spoken with Mr. Easterbrook late this afternoon about this and he did not voice any concerns other than questioning what the county was going to do. He said he had not specifically spoken to him about which firms the County had received bids from.

Chairman Dunn clarified that the engineering firm would be responsible for the entire path and not just Phase I and Mr. Hearn agreed.

Commissioner VanLandingham clarified that the total amount of money discussed was for the total project and not just the county's portion. He said what was done in Fayetteville would also come out of that total amount.

Chairman Dunn asked if the Board approved one of the two firms tonight, would the City of Fayetteville be committed to doing a prorata share of either bid if the Board accepts them.

Mr. Hearn replied that he had not spoken to the City about these two firms. He said he had discussed a previous firm with them and they were on board to do a prorata share at that time.

Commissioner Wells asked for the prorata share at that time.

Mr. Hearn replied that based on the linear footage of the path in Fayetteville versus the linear footage of path in the county.

Chairman Dunn clarified that the City's prorata share would be less since they did not want the path to go as far.

Mr. Hearn interjected that there would be less engineering work to do as well.

Chairman Dunn asked Mr. Hearn, since the City did not want to start the path at Beauregard, could the path be extended further down Redwine Road.

Mr. Hearn replied that was a reasonable request and he would ask the City of Fayetteville.

Chairman Dunn asked if the path would be located on the right or left side of the road as one was riding toward Peachtree City.

Mr. Hearn responded that it would be his hope that the path would be located on the left side of the road at Kiwanis Park and the remainder had not been determined. He said this needed to be reviewed from an engineering standpoint as to what was most practical. He said there were a couple of multi-way stops that could be utilized to get the path across Redwine or Beauregard to the other side. He said he did not really want to commit to that until the engineering report was done.

Chairman Dunn remarked the purpose of the path at one point was to go all the way to Starr's Mill High School. He said there was already a portion of pathway that had been built there and this would tie into that. He said at this time Peachtree City was not willing to share this project with the county. He said in order to get to Starr's Mill High School the county would have to go through a portion of Peachtree City on Redwine Road. He asked what would have to be done there. He said this would be at least four to five years in the future.

Commissioner Frady said Peachtree City had built a cart path on Redwine Road that was located in the county.

Commissioner VanLandingham remarked he did not want supposition to get into the way of this phase because it was needed.

Chairman Dunn remarked that he wanted the Board to make a decision on two issues if possible. He said firstly, he wanted a decision on whether or not to pursue this project and secondly, if so, who would be selected among the two bidders to do it.

Commissioner VanLandingham interjected that the motion had already been made to do the project and also named a firm to do the engineering work.

Commissioner Frady interjected that he had made a motion to proceed and use Mallett & Associates to do the engineering work.

Chairman Dunn said that the A.R.C. did support not only this project but all of the projects in the metro area tied to the CMAQ money.

The motion carried 3-1 with Commissioner Wells voting in opposition.

Chairman Dunn pointed out that the bidder who was selected among the two bids that were accepted was by far the lowest bidder.

GRANT THORNTON APPROVED TO PREPARE AUDIT AND FINANCIAL STATEMENT:

Finance Director Mark Pullium remarked that on behalf of the audit committee he was presenting a recommendation to the Board. He said Fayette County was in need of an auditor. He said the county's audit contract with the former firm Post & Associates had expired. He stated in that accord the committee had undertaken the request for proposal process in early April. He said it was found that eight firms had expressed an interest in competing for the audit business of the county government. He said four firms had actually responded to the R.F.P. He said those four firms were Cherry Bekaert & Holland, Post & Associates, Mauldin & Jenkins and Grant Thornton. He said the R.F.P. had been designed with the intent of selecting what the committee felt like would be the best qualified firm to conduct the audit here in Fayette County and also of the Water System.

Mr. Pullium said it was very important in this process that he note that the qualifications of the audit firm and the audit and report that they bring back to this Board was the committee's objective. He said the R.F.P. had been designed to weigh 70% of the R.F.P. toward the qualifications of the audit firm and 30% of the selection criteria was based on the actual cost. He said it was important to note that the committee did not come before the Board tonight to make a recommendation that was based strictly on cost. He said the committee was very concerned with quality and that was very heavily expressed in the R.F.P. and all of the firms understood this. He remarked that the audit committee had reviewed the information that was presented and narrowed the four firms down to two firms which were Mauldin & Jenkins and Grant Thornton. He said the committee interviewed the two firms that were deemed in the eyes of the committee and their response to the R.F.P. to determine which firm was felt to be the best suited to meet the county's professional needs in this area.

Mr. Pullium further remarked that it was the committee's recommendation based on the information obtained in the response to the proposal that had been sent out and the interviews of the two firms that Grant Thornton be awarded the audit engagement for the four consecutive years beginning with the fiscal year ending June 30th, 2001.

Commissioner Frady commended Mr. Pullium for all of the time he and the committee spent on the selection of this firm.

Chairman Dunn said he had considerable difficulty dealing with this. He said there was a lot of material to review. He said three of the four bids over a four year period were very similar in the amount of money that they would charge the county were very similar in the amount of money but the number of hours that each would spend were grossly different. He said one firm

was over double the number of hours over another firm. He said it amazed him that these four firms would have such different views of the work that had to be done. He said he also wanted to make a statement at this point. He said the county had been using Post & Associates for thirteen years. He said he did not want any representative of Post & Associates nor should anyone else think that there was anything negative about the fact that Fayette County was soliciting bids for a new auditor. He said Post & Associates was one of the bidders to bid this job. He said the selection of Grant Thornton had nothing to do with any negativism regarding Post & Associates. He felt the impetus was to get a new set of eyes on the county's books and that was all there was to it. He said good management practice was what propelled the Board to take a look at this. He said he just wanted people to be aware that the county had a fine relationship with Post & Associates during the past years.

Commissioner Frady asked when Grant Thornton was being asked to have the audit completed.

Mr. Pullium responded that there was a deadline stated in the proposal and that was October 31st of each fiscal year.

Commissioner Frady stated that he was not criticizing but there were times when the county did not have the audit completed until the first of the new year. He said this made it very difficult to take an audit that was about to go through an audit again.

Mr. Pullium interjected that timeliness was of the essence.

Commissioner VanLandingham said he had a question on the selection. He said he was aware that the purpose was to get a new set of eyes on the county's books. He asked why there was a four year contact with this firm. He said he had spoken to Mr. Pullium about this and discovered that there was a new accounting procedure being mandated by the Federal government for all governments. He said this was going to be a long term program. He said the committee who had reviewed the R.F.P. had been very thorough and very meaningful in presenting this to the Board.

Chairman Dunn felt four years in this business was not that extensive and he felt that was probably pretty normal for businesses or governments to have four or five years with the same audit firm. He said the thirteen years with Post & Associates was an extended relationship and he pointed out that it had been a good one. He said he felt thirteen years without new eyes on the books was too long a period. He said the thing that he was most impressed with regarding the firm that was chosen was that they had the most understanding of the process of the Government Accounting Standards Board and the Uniform Chart of Accounts for the State of Georgia. He said the county would not know what would happen on these two issues and the impact would be significant on all governments. He said the firm that the committee

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had recommended had the best understanding of the scope of that project to get the county there.

Mr. Pullium remarked that the committee had also deemed that to be so. He said the committee felt this firm was very well equipped to deal with the Georgia Uniform Chart of Accounts and also G.A.S.B. 34. He said both of these projects would be major undertakings and at no small cost. He said this would require a great deal of expertise especially the implementation of the G.A.S.B. 34. He said the committee felt like the Grant Thornton proposal and their interview addressed those needs the best.

Commissioner Wells commended the committee for the way that this proposal was handled. She said this had been an excellent presentation.

Commissioner Frady remarked that he was a member of the Taxation Finance Committee for NACo. He said this past meeting he had made a motion to pass a Resolution to try and get the G.A.S.B. 34 undone. He said none of the County Commissioners like this and the motion carried. He said he knew that this would be a hard thing to undo but they felt compelled to do that.

On motion made by Commissioner Frady, seconded by Commissioner Wells to approve the recommendation of Finance Director Mark Pullium to approve Grant Thornton to prepare an audit for Fayette County for four consecutive years beginning with the fiscal year ending June 30, 2001 and prepare financial statements for the same period.

Chairman Dunn clarified that Mr. Pullium had previous experience with the firm that had been recommended and Mr. Pullium agreed. He clarified that Mr. Pullium had previously been employed with Athens-Clarke County and Mr. Pullium agreed. He said, while Mr. Pullium was not the Chief Financial Officer there he was familiar with the Firm of Grant Thornton's work.

Mr. Pullium responded that he was very familiar with the Firm of Grant Thornton's work. He commented that Athens-Clarke County found Grant Thornton did very good work. He said the most poignant work that he could point to was when the county submitted the financial statements for review to the Department of Audits and also the Government Finance Officers Association, there was only one very minor and insignificant recommendation that came back as a result of that. He said in previous experience he had seen a lot more recommendations to come back. He said he could assure the Board that the staff knew that they had undergone an audit.

Chairman Dunn said the only reason that he brought this up was because the current Board was infamous for total disclosure. He said he just wanted to point out that Mr. Pullium had worked with this firm before in his previous position. He said the bottom line was that Mr.

Pullium was familiar with their work and he felt that was a positive thing. He said he did want to make it known that Mr. Pullium had personal knowledge of this firm.

Commissioner Frady remarked this was the second time that Grant Thornton had bid on this job. He said he liked this firm back then and commented that their reputation was very good and everything he could find about them was good.

Chairman Dunn said he felt Mr. Pullium had made a very objective recommendation.

The motion carried 4-0.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve the consent agenda as presented. The motion carried 4-0.

CLERK OF SUPERIOR COURT: Approval of request from Clerk of the Superior Court to (a) transfer \$998 from technical support account no. 120-5316 to furniture/fixture account no.120-5691 for purchase of new chair; and (b) transfer \$11,000 from technical support account no. 120-5316 to computer equipment account no.120-5770.

LIBRARY: Approval of request from the Fayette County Public Library and the Friends of the Fayette County Public Library to use the Stonewall Administrative Complex parking lot for overflow parking if necessary on September 8, 2001 for the Annual Family Fun Day at the library.

MINUTES: Approval of minutes for Special Called Meeting of the Board of Commissioners held on May 4, 2001 and regularly scheduled Board of Commissioners' meeting held on April 26, 2001.

PUBLIC COMMENT:

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

There was no public comment.

STAFF REPORTS:

EMERGENCY WATER RESTRICTIONS ORDINANCE: Attorney McNally asked for the Board's pleasure regarding the Emergency Water Restriction Ordinance that he had presented to the Board earlier in the week.

Commissioner Frady felt citizens should be allowed to wash their cars. He said he saw no reason to take a car to a car wash and pay somebody to wash it and use a lot more water. He said he could support the ordinance in its current form but he said he would like to see citizens be allowed to wash their cars.

Attorney McNally replied that the State did not see it that way.

Chairman Dunn said he would like the Board to table this item to the June 6th meeting. He said having read the ordinance he did have questions about it and they could not be answered tonight.

Commissioner VanLandingham said he also had questions on the ordinance and would prefer this to be tabled to June 6th.

Chairman Dunn asked if there was a time frame where this must be done.

Attorney McNally responded that the State law was in effect now. He said this would allow the Board to take punitive action.

Commissioner Wells interjected that this ordinance would give the county the power to enforce the ordinance.

Commissioner VanLandingham said this would give the Marshals some authority as well as direction to enforce this.

It was the consensus of the Board to table this matter until the June 6th Commission meeting.

REQUEST FROM THE CITY OF FAIRBURN: Attorney McNally reported to the Board that Fayette County had received a request from a Fayette County land owner to annex 22 acres of his property into the City of Fairburn. He said the 22 acres were located off Milam Road. He remarked that there was an additional 20 acres of property which extended up into the Fulton County portion North of Milam Road. He said the law required that the Board either have a meeting with the governing body of the City of Fairburn or that the Board reject forthwith the request for annexation. He said those were actually the only two actions that the Board could take on this request. He said one would be to provide for a meeting that must take place within fifteen days or secondly reject the request and proceed from there.

Commissioner VanLandingham asked if the Board could invite the City Council from Fairburn to come and explain why they would like to do this and also provide any other information they might have to the Board.

Attorney McNally replied that the Board would have to supply the City Council with a date.

Commissioner VanLandingham suggested they be invited to come before the Board at the June 6th meeting.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to invite representatives of the City of Fairburn to come before the Board of Commissioners at the June 6th Commission meeting to present their case, discussion followed.

Chairman Dunn asked if the City Council representatives chose not to come to this meeting would the Board have the option to reject this request.

Attorney McNally replied that was correct.

Chairman Dunn asked if the City Council representatives did come and appear before the Board, then based upon what was heard the Board would be faced with this same decision to reject it or to do something else.

Attorney McNally agreed.

Commissioner Wells said the Board would still have those same two decisions at that point in time after the hearing.

Chairman Dunn asked Attorney McNally if he felt the Board would be better off to go through the discussions with the City Council and then be able to obtain a little bit more detail on why the Board would not want to do this should the Board decide not to.

Attorney McNally responded that decision would be the Board's decision. He said the Board would have either of these routes to go. He said the City would have the opportunity to appeal the Board's decision to the Superior Court. He felt personally that the Board would be better off to invite the City Council representatives to explain their reasons to the Board.

Chairman Dunn remarked if the Board said no then the next step would be theirs and their option would be to accept the Board's decision or take the Commission to court.

Commissioner Frady said at first the City had not said what the property was going to be used for.

Commissioner Wells remarked that she did not care what the property was going to be used for. She felt it unconscionable for the Board to allow any portion of Fayette County to be annexed by anybody outside of Fayette County's borders. She said she was prepared tonight to make her decision. She said she wanted to go on record by saying that she did not even care to give them the benefit of a presentation. She said there were four characteristics that the Board by law must entertain in making this decision. She said one was whether the annexation ordinance was reasonable for the long range economic and overall well being of the county's school districts and municipalities affected by the annexation. She said this area was currently zoned A-R with three to five acres. She said the 22 acres could then be attached to sewer and then there would be 42 to 44 acres that could be zoned as small as one-third acre lots.

Commissioner Frady felt it would be a good idea to get information from the representatives of Fairburn.

Commissioner VanLandingham felt this would give the County Attorney a little bit more information to work with should the Board have to take this a step further.

Commissioner Wells said they would still have to do a disclosure and file their answer. She said the City of Fairburn would still take the Board to court anyway because they would not like the Board's answer. She felt the answer to the question of whether or not the health, safety and welfare of the property owners in the cities of the county, municipalities proposed to be annexed will be negatively affected by the annexation would be absolutely yes. She felt also that the proposed annexation would have a negative physical impact on the county's school districts and other municipalities that have not been mitigated by an agreement.

Chairman Dunn remarked that he had serious concerns as to whether or not he could ever vote for such a thing but he did feel that the county should invite the City of Fairburn representatives to come down and present their case. He felt the citizens in the county might be interested in what was happening in something of this nature and why the people were trying to come into the county.

The motion carried 3-1 with Commissioner Wells voting in opposition.

HARRIS ROAD - ABANDONMENT OF RIGHT-OF-WAY: Attorney McNally remarked that the Board had been approached several weeks ago by a gentleman who had requested that a portion of Harris Road be abandoned. He said the gentleman had presented a plan for building a new paved road. He remarked that the Public Works Director Lee Hearn recommended that this right-of-way be abandoned and permit the new road to take its course.

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It was the consensus of the Board that Attorney McNally determine how much property would be involved in the landowner coming onto Fayette County right-of-way and bring this figure back to the Board.

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

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

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

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

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

It was the consensus of the Board that Attorney McNally proceed in this matter.

LEGAL: Attorney McNally reported to the Board on a legal matter.

The Board took no action on this matter.

LEGAL: Attorney McNally reported to the Board on a legal matter.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that two items of real estate and two legal matters were discussed in Executive Session. The motion carried 4-0. A copy of the Affidavit, identified as "Attachment No. 7", 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.

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 14th day of June, 2001.

Karen Morley, Chief Deputy Clerk