

The Board of Commissioners of Fayette County, Georgia met in Official Session on February 27, 2003, 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

COMMISSIONER ABSENT: Peter Pfeifer

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

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

Chairman Dunn remarked that normally the Board would give some detail instructions on rezoning procedures but because of the small crowd and the individuals who were going to be presenting their case to the Board, the Board would forego that.

PETITION NO. 1103-03:

Director of Zoning Kathy Zeitler read Petition No. 1103-03, Heritage Christian Church, Owner, and Richard Pearson, Agent, request to rezone 76.23 acres from R-75 Conditional to A-R to develop accessory church facilities. She said this property was located in Land Lot 3 of the 6th District and fronted on Bernhard Road and Redwine Road. She said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Richard Pearson, 135 Horseshoe Circle, Fayetteville, Georgia stated he was the agent for Heritage Christian Church. He said he was requesting to have the 76.23 acres at the Heritage Church rezoned from R-75 conditional to A-R to develop accessory church facilities.

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

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve Petition No. 1103-03. The motion carried 4-0. Commissioner Pfeifer was absent for the vote. A copy of the Staff's Analysis and Investigation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of the Resolution and

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Ordinance approving Petition No. 1103-03, identified as "Attachment No. 2", follow these minutes and are made an office part hereof.

PETITION NO. 1104-03:

Director of Zoning Kathy Zeitler read Petition No. 1104-03, Tommy and Dianne Starkey and Gary and Tamara Roland, Owners, and Tommy Starkey, Agent, request to rezone 38.181 acres from R-40 to A-R to allow livestock on two (2) single-family dwelling subdivision lots. She said this property, consisting of Lots 3 and 4 of Hamilton Acres Subdivision, was located in Land Lots 223 and 224 of the 4th District and fronted on Carrolls Way. She said the Planning Commission recommended approval 5-0 to table said petition until the 4/03/03 Planning Commission meeting.

Chairman Dunn remarked that this petition would be heard by the Board after the Planning Commission had heard it at their April meeting.

CONSENT AGENDA: Mr. Cofty requested that item no. 3 be removed. On motion made by Commissioner Wells, seconded by Commissioner Frady to approve consent agenda items 1, 2, 4, 5, and 6. The motion carried 4-0. Commissioner Pfeifer was absent for the vote.

BROOKS DAY FESTIVAL: Approval of request from Brooks Festivals, Inc. to hold the 21st Annual Brooks Day Festival on Saturday, May 10, 2003 in the Brooks City/County Park area and also to have a dance at the park from 7:00 p.m. to 11:00 p.m. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

MOBILE DREDGING & PUMPING COMPANY - AWARDED BID FOR SLUDGE REMOVAL AT CROSTOWN WATER PLANT LAGOON: Approval of recommendation from Water System Director Tony Parrott to award alternate 2 of the Lake Peachtree Dredging bid to the low bidder, Mobile Dredging & Pumping Company in the amount of \$279,300 subject to the reference check. Alternate 2 is for sludge removal at the Crosstown Water Plant Lagoon. A copy of the memorandum, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

3. **FINANCE DEPARTMENT - TRANSFER OF FUNDS:** Approval of request from Director of Finance Mark Pullium to transfer \$2,450 from the county's contingency fund to the Road Department budget for the purchase of concrete parking lot entrance barricades for the Administrative Complex and Jail/CJC.

Mr. Cofty asked for this item to be removed.

APAC - GEORGIA, INC. - AWARDED BID FOR ASPHALT MIX: Approval of recommendation from the Director of Purchasing Tim Jones to award bid to lowbidder APAC - Georgia, Inc. for each asphalt mix item as listed. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

FLORIDAROCKINDUSTRIES, INC. AND HANSON AGGREGATES - AWARDED BID FOR GRAVEL: Approval of recommendation from the Director of Purchasing Tim Jones to award bid to low bidders Florida Rock Industries, Inc. and Hanson Aggregates to furnish gravel to the Road Department. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on February 5, 2003.

PUBLIC COMMENT:

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

There was no public comment.

STAFF REPORTS:

BID AWARD TO MASSANA CONSTRUCTION - DREDGING OF LAKE PEACHTREE:

Water System Director Tony Parrott said the Water Committee wanted to make a recommendation to the Board regarding the dredging of Lake Peachtree with a barge. He asked for the Board's consideration to award bid to Massana Construction for the dredging of Lake Peachtree with a barge in the amount of \$632,236.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to award bid to low bidder Massana Construction for the dredging of Lake Peachtree with a barge in the amount of \$632,236, discussion followed.

Commissioner Wells asked what was known about this company.

Mr. Parrott said the Water Committee had checked the references on Massana and the references were fine.

Commissioner Frady said he wanted to make it very clear that Lake Peachtree would not be drained. He said it was unfortunate that the editor of one of the local newspapers had taken

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it upon himself to assume something was going to happen that wasn't. He felt this action was uncalled for.

Chairman Dunn interjected that the newspaper had incorrectly reported what this Board was going to do before the Board had even received a recommendation from the Water Committee. He said he had received a letter from the Mayor of Peachtree City who was very concerned that the county was going to drain the lake. He said he called Mayor Brown and told him that the lake would not be drained.

Chairman Dunn said he would like to congratulate the Water Committee for doing a very good job on this and exploring all of the options and then bringing a reasonable recommendation to the Board. He thanked the Water Committee for caring enough not to do something foolish here in the county. He said no one on the Board ever envisioned doing something that was that ridiculous. He said it was incumbent upon the Water Committee to explore all options and the Committee had done exactly what it was supposed to do. He thanked the Water Committee for doing a great job and making a recommendation that everyone could uphold. He asked for the Board's pleasure in this matter.

The motion carried 4-0. Commissioner Pfeifer was absent.

EXECUTIVE SESSION: Attorney McNally requested an Executive Session to discuss four legal items and one real estate matter.

Commissioner VanLandingham requested an Executive Session to discuss one potential legal item.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Frady to adjourn to Executive Session to discuss five legal items and one real estate matter. The motion carried 4-0. Commissioner Pfeifer was absent for the vote.

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

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

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

The Board took no action on this matter.

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

The Board took no action on this matter.

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

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

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

The Board took no action on this matter.

LEGAL: Commissioner VanLandingham reported to the Board on a legal item.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize the Chairman to execute the Executive Session Affidavit affirming that five legal items and one real estate matter were discussed in executive session. The motion carried 4-0. Commissioner Pfeifer was absent for the vote. 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 8:10 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of March, 2003.

Karen Morley, Chief Deputy Clerk