

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, March 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
Carol Chandler, Executive Assistant
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.

PRESENTATION/RECOGNITION:

The Board presented to Will Stevens a congratulatory letter for his achievement to the rank of Eagle Scout.

Commissioner Wells asked as the Board honored Will that his father, mother and grandmother join them at the front of the room. She commented it was definitely an honor to recognize Will. She said Will had dedicated himself to scouting for the last 10 years. He had served the scouts in many areas. He completed the Boy Scout requirements and passed the Eagle Board of Review on February 11, 2003 to earn the rank of Eagle Scout. She described his project as fascinating. She said it was called "Honoring the Ages." It consisted of a grouping of pictures and interviews that captured the stories and histories of members of the Friendship Center for the Senior Citizens of Fayette County. She also presented a letter to Will from the Board of Commissioners recognizing and praising him for earning the Eagle Scout status.

Commissioner Wells then asked Will to explain his project. Will told how his project idea originated from talking with his grandfather and hearing fascinating stories of his past. He decided to talk with the senior citizens at the Friendship Center and put their stories and pictures in book form. Will also took this time to thank his mother and father for their help and support.

REZONING PETITIONS:

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public

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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 three 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 risen. 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.

PUBLIC HEARING:

PETITION NO. T-013-03:

Director of Zoning Kathy Zeitler read Petition No. T-013-03, Lee and Renae Wright, Owners/ Agents, request to increase the height of an existing Monopole Communications Tower from 170 feet to 188 feet plus an 8-foot lightning rod. This property is located in Land Lot 186 of the 4th District, fronts on Chapel Road, and is zoned A-R. The planning commission recommended approval with conditions 4-1. Staff recommended approval with conditions.

Chairman Dunn asked if anyone wished to speak in favor of this petition.

Mr. Charles Ballard, 115 Flag Stop Run, Fayetteville, Georgia stated he represented Renae and Lee Wright, the applicants. He stated he wished to refer to the information the Commissioners had already received in notebook form. Mr. Ballard also requested the Board

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retain as part of the record a letter he wrote and appended to the application expressing legal constraints affecting the application. He said Mr. Wright would be available to answer any questions after his presentation. He stated the application had been heard before at a previous hearing but at that time the application was mis-designated by its proponents, not its opponents, as an application for a variance. He said he wanted to emphasize that this was not an application for a variance. He said it fully conformed to the letter of the Fayette County Zoning Ordinance. He said that was evident by the fact that the application was being heard by the Board of Commissioners rather than by the Board of Zoning Appeals. He stated that the application did not violate any precepts or standards currently enforced by the County staff. He said the condition that the FAA approval letter be obtained had been met, and the letter was included in Exhibit 1. He stated that we were all aware of the national policy regarding telecommunications as expressed in the Federal Communications Act of 1934 as amended. That was when the FCC was created with a policy to provide the benefit of communications technology to 100% of the country. He said he expected the evidence to be presented would show that adequate cellular phone service was lacking in some parts of the area that the Wright's tower would serve if it were extended. Mr. Ballard said a need existed under the Federal Act and if that need was not met by the Wright's tower then, under the Telephone Communications Act of 1996, someone could conceivably require that another tower be approved to meet that need.

He stated the Wright's appreciated the burden the Commissioners had to balance national policy and the general welfare against general community concerns while mandated by federal law not to deny a tower application without substantial evidence to support the denial. He said tower standards the Board had adopted as contained in Article 5 of the Zoning Ordinance of Fayette County were expertly drafted to assist in the decision. He said the Zoning Ordinance recognized the general welfare was better served by expanding service from existing towers than by pin cushioning new towers over the County. He said it exempted existing towers from certain requirements imposed on new towers. He said the Wright's tower was already in place and if its view was disagreeable that was a fact that this Board would not reverse by denying this application. He said a denial would not prevent the Board from having to rule later on someone else's application for a tower to provide unmet communication needs. He said the Wright's had considered a petition that was submitted by area residents and in concession to them the Wright's wanted Mr. Ballard to state that if their application was approved it was going to carry the condition imposed by the Board that the tower height would not require a light. He said the Wright's wanted him to state that the tower's foundation was not engineered for any greater pole height than proposed. He said Fayette County Tax Assessors had contacted Mr. Wright presumably with an intent to raise his taxes. He said the levying and collection of the taxes should be easier since the Wright's were Fayette County residents and owned both the land and the tower.

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John Boyd, 130 St. Andrews Drive, Fayetteville, Georgia stated he was building a house across the street from Mr. Wright. He said his son already lived across the street from Mr. Wright. He said he had about 16 cell phones and the tower extension would be a help to his business. He said that area was sometimes dead. He said he and his son were for the tower extension.

Doug Sebastian, 121 Broom Blvd., Fayetteville, Georgia stated he was in support of the tower. He said his family had cell phones that did not work at his house. He said he could not see the tower from his house and that a very good job had been done in concealing this tower. He said if the extension improved the service he was for it 100%. He said he looked at safety in having the tower extension. He said in that area if his family was driving and their car broke down it would be nice to know that their cellular phones worked. He said if the electricity went out, it would be nice to know that his cell phone worked.

Chairman Dunn asked if anyone else wished to speak in favor of the application. No one responded. Chairman Dunn asked if there was anyone who opposed the application to please stand up. 15 people stood. Chairman Dunn asked how many would like to speak. Two people indicated they would like to speak.

Ron Cherry, 161 Lynn Drive, presented a petition, in addition to the people who stood, in opposition of the application. He asked if the Board had received the package from the Planning Commission with pictures. The Board said that they did. Mr. Cherry said there are current violations to the tower ordinance with the existing tower. He said the information the Board had as to the reasons the extension should be allowed was incorrect and misleading. He said the need for the extension was not valid to satisfy the customers. Mr. Cherry said the reception lies within the phone manufacturers not in the receiving unit, not the tower itself. He said the footage noted on the photographs the Board had was based on the scale provided by Mr. Wright's paperwork and the height of the tower was extrapolated by the scale of the tower, and the dot above it was the proposed extension.

Mr. Cherry said the citizens of the surrounding area of the tower, which was the surrounding points around the 15 acres in question where the tower is located, offered the opposing issues to the extension. He said the existing tower was to be 150 feet, and the Board approved a 20-foot addition at the time of the extension. He said prior to the beginning of the construction of the tower Mr. Wright came in and put a 25 to 30-foot mound of dirt, which changed the topography of the land. He said Mr. Wright put his tower on top of the mound so he could get the extension that he wanted which was unlawful and against the ordinance of the tower. He said only after notification by the County was Mr. Wright forced to remove this mound to comply by the rules governing the distortion of the topography. He said someone did not go out and verify the dirt was removed and there remained an 8 to 10 foot section. He said this diverted the natural drain from 4 lots of 20 acres that came across the area. He said there was 10 feet

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of dirt that the tower base was in that could impact the stability of the tower. Mr. Cherry said in the last meeting with the Planning Commission the engineer approved it. He said the engineer could approve the base but he did not have the right to change the tower ordinance rules. He said today the tower sat 180 feet above the natural topography. He said there was only two users on Mr. Wright's tower that was to accommodate 4 users. He said the tower was not providing the service it should. He said Mr. Wright claimed in the paperwork to the Planning Commission and Board that the trees were an issue to his tower. Mr. Cherry stated that those trees are 30 to 70 years old and Mr. Wright was well aware of their height beforehand. He said Mr. Wright said you can only see 15 or 20 feet of the tower. Mr. Cherry said the pictures show that you can see anywhere from 100 to 70 feet of the tower from numerous locations. Mr. Cherry said they supported the new tower on Highway 85 to eliminate the extension of Mr. Wright's tower. He said in reference to the usage of cell phones in that area, he had a 4-5 year-old phone and he had service anywhere in his area, from the damn at Lake Horton and down Highway 92. He said there were two pieces to the transmission of a cell phone-the transmission and the receiver. He said new phones have stronger receivers and pick up new signals. He said people buying new phones would solve this problem. He said there was no need for this tower - a new tower would be satisfied by Highway 85. He said this was a move for personal financial gain. He said one of the members of the Planning Board and Mr. Ballard stated that they would rather have an extension on this tower than a new tower - that was not true. He said we had rather not because of the damages caused to us and the property in our area. He said to put another tower in the proper place. He said it would serve the community better than what Mr. Wright was proposing.

Clyde Hobgood, 197 Lynn Drive, Fayetteville, Georgia said the people of Lynn Drive, Chapell Road and Morris Drive started out fighting against the tower and it was installed. He said there had been one extension and now Mr. Wright wanted to extend another 18 feet to provide space for three more users. He said any changes in the original tower should remove it from the grandfather laws. He said it should fall under the present County ordinance. He said in the current County ordinance for all towers, radios, etc. the cell tower in question was a commercial venture. He asked if this property was going to be taxed as commercial. He said its revenue coming in so it should be counted as a commercial venture. He said they would like to see the ordinance to justify the distance from off-site residents of the new ordinance tower height on T01303. He said the County was in the process of placing three new towers in that area. He said from Brooks to the Pavilion you could count eleven towers. He asked how many more were needed to take care of communications. He said Mr. Wright knew the elevation of his property when he started the tower project, the hills had not changed and the trees were still growing. He said if he needed 10 more feet between the towers all Mr. Wright had to do was to have the company put extensions on the antennas.

Chairman Dunn asked if Mr. Ballard or Mr. Wright had a rebuttal.

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Mr. Wright noted that the grade elevation was 100% certified by the County. He said it had been stated it was a 25-foot mound but it was a 10-foot mound. He said that was what was required as the cut down. He said a grade elevation was completely satisfied by the County Records.

Chairman Dunn noted that the records indicated the tower was 170 feet now that the mound had been removed.

Mr. Wright explained that there was a hill and when he filed for his FA permit he took the highest point from the hill and did a GPS shot from there and filed for the FA permit before any grading started. He said while building a level pad to put the equipment on it began to look like a pyramid. He said after he mounded the dirt and fixed it so the water would not run on and off of the pad he had what was called a stand-alone pad. He said that was when the neighbors complained. He said he fought it in court and lost and the court required him to cut it down ten feet. He said he was now below the grade elevation that was on the Fayette County website. He said the County engineer could confirm. He said the Highway 85 tower was 2 1/4 miles away from his tower. He said the average hand-held phone would not reach more than 1 1/2 to 2 miles between any given tower. He said there was no way the Highway 85 tower would cover his tower.

Commissioner Wells stated the gentleman that spoke earlier said it was possible to put extensions on the co-locator antennas to make them higher on the spot they are on the tower. She asked if that was correct

Mr. Wright said no because T-Mobile has rented the 165 - 170 spot. He said they owned that spot. He said that he was going to make 2 users share top spot of the 188 tower. He said the tower was never going to be higher than 188 feet.

Commissioner Wells said she got the impression that you could locate at 155, put an extension on that and raise it.

Mr. Wright said you would then be in T-Mobile's space and interfering with their antennas. They are allowed their 10 foot space, and if he interfered with them he would be breaching his contact with them.

Commissioner Wells asked if it could be raised 8 feet.

Mr. Wright said that would be getting close to the 160 mark. He said if he hit one of their antennas, moved their antennas, or threw one of their receptors off then they would complain.

Chairman Dunn asked if Mr. Wright had anything else to present. Mr. Wright did not.

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Commissioner VanLandingham made a motion to approve the extension on the tower, Petition T-013-03. Commissioner Frady seconded the motion. A discussion followed.

Commissioner VanLandingham stated there were concerns voiced in the information from the zoning meeting and the information received tonight. He said if there was anything else done to the tower Mr. Wright would have to construct a new tower, and it would come under the new ordinance. He said at the last presentation he voted against it because there was no supporting information as to why this was needed. He said the presentation tonight supported the need. He said the mounds talked about had been settled. He said our Engineering staff had inspected it and was longer there. He said the tower on 85 south would not serve that entire area because of the receivers that are in use now. He said the need and approval of the tower from the very beginning was still there. He said by extending this tower another tower could be eliminated. He said he had never seen a pretty tower but just learned not to think about it because these things were necessary. He said he would not want to zone this land commercial in the middle of the county. He said we had made provisions to provide towers like this without going commercial. He said he personally went out again to look at the tower and it could be seen in some spots. He said the Federal Government has put us in a position with very little room to maneuver and that is why we had an ordinance restricting all that we possibly could. He said he thought the case had been made tonight. He said he regretted having to have these towers but he believed this one was necessary and appropriate.

Commissioner Frady said this tower was for safety, to enhance emergency services, and it to enhance people's ability to make phone calls-personal and business. He said he knew the people against this would be disappointed but safety had to come first, always.

Commissioner Wells said she has not changed her mind since the January 2003 hearing. She said her reasoning for turning the tower down remains valid. She said every foot added to an established neighborhood is an encroachment. She said she hears about the phones not having coverage, but in every place in Fayette County you are going to hit a dead zone. She said back in 2000 we were sure the tower wouldn't go above 170 feet, according to the minutes, and here we are now asking for it to go to 188 feet. She said her rejections remain valid.

Chairman Dunn said the last time this was before the Board there was a 2 to 2 vote, therefore the motion did not pass. He said he had been out in the Chappell Road area about 10 times in the last week. He said he wanted to find something so he could say no. He said this was not something he did lightly to the citizens of Fayette County. He said there were certain guiding principles in the county-to reduce the number of cell towers and to increase coverage as much as possible. He said we were not required by Federal law to provide absolute 100% coverage but try to provide as much as possible. He said he believed a 18 foot extension would help. He said this might not solve the problem of dealing with one or two more tower

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applications.. He said the 911 system was being redone and some very tall towers would be going in to accommodate that. That was simply for public safety. He said we were not in the business to provide cell service to customers and make money but the 911 towers were to provide for the health, safety and welfare of the community. . He said 2 ½ miles was quite a distance. He said he had checked with some people and it was very unlikely the tower on Hwy 85 would cover that whole area. He said he was going to stick with what he did last time. He told Mr. Wright not to come back to this Board to request another extension for this cell tower. He said he would never go another foot on that tower. He said the Board was doing the best they could for Mr. Wright and for the community.

The motion carried 3-1 with Commissioner Wells opposing. Commissioner Pfeifer was absent. A copy of the Investigation and Recommended Condition identified as "Attachment No. 1", follows these minutes and is made an official part hereof. A copy of the Resolution identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Petition No. RP-021-03:

Director of Zoning, Kathy Zeitler read Petition No. RP-021-03, South-Tree Enterprises, Inc., Owner, and Chuck Ogletree, Agent, request approval of the revision of a recorded plat, Lee's Mill Landing, Phase III, to allow the subdivision of Lot 32 consisting of 4.002 acres into two (2) single-family dwelling lots. This property is located in Land Lot 46 of the 7th District, fronts on Lees Overlook and Mill Run, and is zoned R-70. The Planning Commission recommended approval 3-2. Staff recommended approval.

Chuck Ogletree, owner of the track of land, said he was deeded this property about a year ago from the previous owner to construct a house on the land. He said the lot was 4 acres and they were asking to subdivide it into two 2- acre tracks. He said the original preliminary plat on file with the County showed this land as two lots. He said there were originally 4 lots on this cull-de-sac. He said prior to the final plat being recorded these 2 lots were changed back to a 4 acre track. He said the street was designed for 4 lots in this cull-de-sac. He said two of the lots in the cull-de-sac were not, and never could be, suitable to build a house on. He said if the cull-de-sac remained empty of homes it would not be taken care of and could become a dumping ground for trash. He said he had a level 3 soil report done on the lot he wants to build on and the findings showed the soil was suitable for some type of state approved alternative system for a septic tank. He said based on the Staff comments that he met all the conditions, and receipt of letters from several homeowners in this area that they would not mind having an additional lot in the cull-de-sac, he believed several houses in the cull-de-sac would help take care of it.

Chairman Dunn asked if anyone else would like to speak in favor of this petition. No one responded.

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Chairman Dunn asked if anyone opposed to the petition to please stand. 10 opposed and 2 said they would like to speak.

Chairman Dunn said they had a record of 4 people in favor of the petition and 72 people opposed.

Darrell Wilson, 195 Lees Overlook, Fayetteville, Georgia, said he was the chairperson of the Architect Review Board and chosen by the Lees Mill Lake and Lees Landing Homeowners Association to bring up a few points. He said this property was bordering a protected area, a matter of county record. He said he had 72 members who opposed the division of lot 32. He said it was against the protective covenants. He said the individuals never contacted the Architectural Review Board to build a house or to subdivide this property. He said the original plat Mr. Ogletree referred to was a proposed plat. He said the real plat, which was before the Board, was where the lots were combined for tax purposes. He said the homeowners association had been taking care of the property. The water and soil commission had identified all water on the property as state water. He said there were 25 foot buffers. He said all permits had to be state permits and would have to be monitored. He said the neighbors opposed people coming in and tampering with their neighborhood.

Chairman Dunn stated he was confused about who was the current owner of this 4 acre lot. Mr. Ogletree said he owned it. He said the property owner was in the process of purchasing the property from him. Chairman Dunn clarified that Mr. Ogletree, and the person buying the property from him, were responsible for the condition of the property.

Earl Caruthers, 210 Mill Run, Fayette, Georgia, stated he was the president of the Lees Mill Homeowners Association. He said he wanted to share some of the covenant violations by the owners of the property. He said the first violation to the covenants was that there should be no drainage easement tampering. He said tampering of the drainage easement on Lot 32 had been done by SouthTree Enterprises. He said all building plans and house plans were to be approved by the ARC and no plans have been presented. He said no lots were to be subdivided and homeowner dues were mandatory. He said no dues have been paid, totaling approximately \$2,000.00. He said the Association had submitted a petition of 72 homeowners opposed to the division of Lot 32.

Chairman Dunn asked if the Homeowners Association had considered legal action. Mr. Caruthers said yes, as of last week.

Mr. Ogletree wanted to clear up the fact that on the preliminary plat this land was shown as 2 2-acre lots but prior to the final plat recording it was changed to a 4 acre track. Mr. Ogletree was deeded this property approximately 1 year ago by Mr. Rawls. He said when Mr. Rawls

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contracted him to build the home he thought the plans had already been approved, which now he understood they were not. Mr. Ogletree said the dues had been paid.

Commissioner VanLandingham made the motion to deny Petition No. RP-021-3. Seconded by Commissioner Wells. Discussion followed.

Commissioner VanLandingham stated people who bought lots in that subdivision bought lots "as is". People that bought in other subdivisions bought lots "as is". He said if we started allowing subdivisions of subdivisions they were asking for a lot of grief in future transactions. He said he could not see any advantage of dividing this lot. He said he was out looking at the lot before the rain and the vegetation there was supported by a constant wet ground. He said it was a wise decision made when the final plat was submitted.

Chairman Dunn said the reason the Board goes through plats was so everyone who buys in the neighborhood knows what their neighborhood would look like forever. He said the Board did not play around with plats unless there was a health or safety issue. He said the bottom line was the person who owned the property needed to take care of the property.

Motion was carried 4-0 to deny the petition. Commissioner Pfeifer was absent. A copy of the Staff's Analysis and Investigation, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

Petition No. 1105-03:

Kathy Zeitler read Petition No. 1105-03, Charles and Ellen Thompson, Owners, and Roger Fisher, Agent, request to rezone 2.01 acres from A-R to O-I to develop an Office. This property is located in Land Lot 127 of the 5th District and fronts on S.R. 54 West. The planning commission recommended approval with a modified condition 4-1. Staff recommended approval with one condition.

Charles Thompson, owner, stated he had several people interested in renting the property so he hoped the Board would consider in favor of rezoning this property.

Chairman Dunn asked if there was anyone who wished to speak in support or opposition to this application. No one responded in favor or opposition.

Commissioner Wells asked Kathy Zeitler to clarify that the planning commission modified the condition and staff did not.

Ms. Zeitler said that staff recommended a condition that was two-fold. One was the buffer and the other was the driveway. She said the staff wanted to let Mr. Thompson have the option to ask for a variance to the buffer. She said they modified the condition to say that the driveway

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had to be aligned. Staff's condition was modified when it went to the Planning Commission. She said her recommendation still stood.

Motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve Petition No.1105-03 with one condition. Discussion followed.

Commissioner VanLandingham said he supported the recommendation by Staff because the use of the property was in transition from residence to business, was located next to a residence and the requirements for the buffer were valid. He said the owner now had no objection but that did not mean the next owner would be protected. He said in doing this the use of the property was fine.

Chairman Dunn said it was noted that Mr. Thompson did not agree with those conditions.

Mr. Thompson stated the house was 30 years old and if the conditions were met the house would have to be torn down. He said he had replaced the driveway and placed cross ties and landscaping ties where the retaining wall had fallen down. He said it was over a hundred feet from the home on the other side. He said he wanted to leave the driveway where it was and at the bottom of the drive turn it to have an acceleration lane and line up with the curb cut in the center of the four lane road. He said as far as moving the driveway he did not see how he could do that.

Kathy Zeitler said there was a steep slope and retaining wall on the west side of the driveway so it was not suitable to put a buffer there. She said there would not be a 30 foot buffer if that driveway remained in place. She said the house west of this property was located close to that common property line.

Commissioner Well said they have worked very hard to get an overlay for that whole area. She said there was no way they could start making exceptions because it would cause a domino effect. She said it set a precedence.

Mr. Thompson said he felt like he could work it out.

The motion carried 4-1. Commissioner Pfeifer was absent. A copy of the Investigation, Staff Analysis, and Recommended Condition identified as "Attachment No. 4", follows these minutes and is made an official part hereof. A copy of the Resolution and Zoning Ordinance identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

Petition No. 1106-03:

Director of Zoning, Kathy Zeitler read consideration of Petition No. 1106-03, Mary L. Locklin, Owner, and Crane & Associates and Billy Brundage, Agents, request to rezone 56.007 acres

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from A-R to R-40 to develop a single-family residential subdivision consisting of approximately 42 lots. This property is located in Land Lot 70 of the 5th District and fronts on Price Road. The planning commission recommended approval with one condition 5-0. Staff recommended approval with one condition.

Billy Brundage, Brundage Engineering, stated his firm was working with Crane & Associates to develop the plans for this property. He said the property consisted of approximately 56 acres on Price Road. He said the property was bound on the north and the northern half of the east side by the City of Fayetteville, the north was zoned commercial, the northern half of the eastern line was zoned for townhouses and the remainder of the east line was Kingswood Subdivision which was zoned R40 for the County. The rest of surrounding zoning was AR but there were a number of nonconforming lots that were 1 or 2 acres that butt this property. He said the Staff recommended approval. He said it was in keeping with the land use plan. He said the Staff concluded it would not adversely affect the existing use or usability of nearby property and would not result in a burdensome use of roads, utilities or schools.

Chairman Dunn asked is anyone would like to speak in favor or opposition of this petition. No one spoke in either case.

Motion was made by Commissioner Wells, Seconded by Commissioner Frady, to approve Petition No.1106-03 with one condition. The motion carried 4-0. Commissioner Pfeifer was absent. A copy of the Staff Analysis, Investigation and Recommended Condition, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

A copy of the Resolution and Zoning Ordinance identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

CONSENT AGENDA: Motion was made by Commissioner Wells, seconded by Commissioner Frady, to approve the consent agenda as presented. The motion carried 4-0. Commissioner Pfeifer was absent.

PROPERTY TAX CREDIT FOR JENNIFER GREEN: Consideration of recommendation to approve a request for a property tax credit for 2001 by Jennifer Green in an amount not to exceed \$1,492.94. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

PROPERTY TAX CREDIT FOR NELLIE PLUNKETT: Consideration of recommendation to approve a request for a property tax refund for 1999, 2000 and 2001 by Nellie Plunkett in the amount of \$86.70. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

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PROPERTY TAX CREDIT FOR ROBERT AND NANCY GOODRIN: Consideration of recommendation to deny a request for a property tax refund for 2001 and 2002 by Robert and Nancy Goodrin in the amount of \$53.46. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

WILLOW CONSTRUCTION - BID AWARD FOR CONTROL VALVES AND ADDITIONAL EQUIPMENT FOR THE WATER PLANT: Approval of recommendation from the Director of the Water System to award bid to low bidder Willow Construction in the amount of \$55,700 for the control valves and additional equipment for the Water Plant. A copy of the memorandum, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

FAYETTEVILLE FIRST UNITED METHODIST CHURCH - SIGN REQUEST: Approval of request from the Fayetteville First United Methodist Church to place a sign on the old courthouse lawn on October 11 through October 25, 2003 to advertise their Consignment Sale on October 25th from 8:00 a.m. to 2:00 p.m. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meetings held on February 27 and March 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:

FIRE STATION NO. 7 - DAMAGE AND REPAIR BY THE CONTRACTOR: Attorney McNally reported that in the construction of Fire Station No. 7 the contractor inadvertently broke a fire line which did some damage to the building itself. He said the damage had been repaired. He said the contractor made a claim with his insurance company and they are reimbursing him for the cost of the repair. He said since we are the owner we have to execute a release for the insurance company and will have to execute a check which will be issued jointly to us and the construction company. He said he had been assured by the Fire Chief, as well as the engineer for the project, that the damage had all been repaired. He said he needed a motion to authorize the chairman to sign, release, and endorse the check to the Holly Construction Company.

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Motion was made by Commissioner VanLandingham, seconded by Commissioner Wells, to sign, release and endorse the check to Holly Construction Company. The motion carried 4-0. Commissioner Pfeifer was absent. A copy of the Release, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

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

Commissioner Frady requested an Executive Session to discuss one personnel matter.

SOUTH GEORGIA WATER TOUR: Commissioner VanLandingham updated the Board on information he had obtained during his involvement with the South Georgia Water Tour.

RESOLUTION SUPPORTING "STARS" EDUCATION PROGRAM: Chairman Dunn asked for the Board's consideration in authorizing him to execute the Resolution supporting "Stars" Education Program. He said this program was proposed by Governor Sonny Perdue and State School Superintendent Kathy Cox to urge state officials to always consider the impact that their decisions had on local communities and taxpayers.

Motion was made by Commissioner Frady, seconded by Commissioner Wells, to authorize the Chairman to execute the Resolution supporting the "Stars" Education Program. The motion carried 4-0. Commissioner Pfeifer was absent. A copy of the resolution, identified as "Attachment 14", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION:

Motion was made by Commissioner Wells, seconded by Commissioner Frady, to adjourn to Executive Session to discuss four legal items, one real estate item and one personnel matter. The motion carried 4-0. Commissioner Pfeifer was absent.

LEGAL: Attorney McNally discussed a legal item with the Board. The Board took no action on this matter.

LEGAL: Attorney McNally discussed a legal item with the Board. The Board took no action on this matter.

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LEGAL: Attorney McNally discussed a legal item with the Board. The Board took no action on this matter.

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REAL ESTATE: Attorney McNally reviewed a real estate matter with the Board. Motion was 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.

PERSONNEL: Commissioner Frady discussed a matter of personnel. Staff was not present for the discussion. The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to authorize the Chairman to execute the Executive Session Affidavit affirming that four legal items, one real estate matter and one personnel matter were discussed in Executive Session. The motion carried 4-0. Commissioner Pfeifer was absent. A copy of the Executive Session Affidavit, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:45 p.m.

Peggy Butler, Executive Assistant

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 10th day of April, 2003.

Peggy Butler, Executive Assistant