

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, March 25, 2004, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Peter Pfeifer
A.G. VanLandingham

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

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

PROCLAMATION FOR CONFEDERATE HISTORY AND HERITAGE MONTH:

Chairman Dunn remarked that this Proclamation was recognizing "Confederate History and Heritage Month" in April. He said five of the sons of confederate officers were present to accept this award. He announced that they were Jim Ryan, Joe Bray, Glenn Allen, J. Lynch and Mitch Crabbe.

Chairman Dunn said the Board recognized this Proclamation every year and the sacrifice of the men who fought in the Confederacy from this community. He said he was originally from New York and was a thirty year military veteran and fought in two wars for the United States. He said these gentlemen try to keep the heritage and the history of our community and the men who fought in this war alive. He said this was part of the background and the history of our community. He said it did not matter which side people fought on after wars were over. He said what mattered to him was the individual courage that the individual people brought forth to the battles that they were in and the fact that they would put their lives on the line to preserve their communities and their families. He said there was a lot of controversy that would always exist about the Civil War. He said we were all Americans and we have to learn to honor the warrior even if we hate the war. He said this was one of the things that these gentlemen do so well and that was to keep the memory of the men who fought in that war alive and what they did for their community.

Chairman Dunn remarked in the 1860's there were approximately 5,000 to 6,000 people living in Fayette County. He said there were less than 3,000 males who lived in Fayette County and there were less than 1,500 adult males. He said during the war Fayette County lost over 350 soldiers who went to fight for their community. He said if this were to happen today on the level of the percentage of adult males who died in the Civil War

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was devastating. He said 100 years later Fayette County still had only 6,000 people in it. He said the devastation in this community was horrific. He said all of us could take pride in the fact that when called upon the people who went to fight for this war were protecting their community as they saw their duty to do.

Chairman Dunn read and the Board presented a Proclamation to members of General LaFayette McLaws Sons of Confederate Veterans Camp #79 declaring April as "Confederate History and Heritage Month" and also recognizing April 26th as "Confederate Memorial Day" in Fayette County. A copy of the Proclamation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Lieutenant Commander Mitch Crabbe remarked that on behalf of Commander Scott Gilbert and the General LaFayette McLaws Camp Sons of Confederate Veterans Camp #79 it was with the deepest honor and privilege that he accept this Proclamation. He said he also accepted this recognition on behalf of the citizens of Fayette County both past and present. He said in making this gesture, Fayette County was joining the towns of Tyrone, Brooks and the City of Fayetteville in recognizing that the sacrifices made by the 224,000 southerners who gave their lives during the great struggle will be remembered. He said one of the many ways that they were working on that remembrance as a Camp was through a commitment made by several members of the Camp to the middle schools in and around Fayette County. He remarked that during this current school year, their living history team had presented a glimpse into the life and times of Confederate soldiers to over 3,000 fifth through eighth graders in Fayette, Coweta and Clayton Counties. He said the team gives the students a close up and hands on view of the history that we all share.

Lieutenant Commander Crabbe said he would also like to take this opportunity to mention that next month during the week of April 11th, celebrations would be held for the crew of the CSS H.L. Hunley the Confederate submarine that was lost after sinking the Yankee warship Ustatonic on February 17, 1864 becoming the first submarine in history to sink an enemy ship. He said the celebrations would culminate on Saturday April 17th with a funeral procession and a burial for the last brave crew. He said he would like to extend an invitation to everyone to join in the celebration of the Confederate Memorial Day which would be held on April 26th at 7:00 p.m. at the gazebo.

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 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

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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. RP-027-04:

Senior Planner Pete Frisina read Petition No. RP-027-04, Ramsey and Pam Walker, Owners/Agents, request to add density to George Daniel Subdivision by subdividing Tract II into two (2) lots consisting of 1.50 acres and 3.92 acres. He said this property was located in Land Lot 250 of the 4th District, fronted on Antioch Road and McBride Road, and was zoned R-40. He said the Planning Commission recommended approval with two (2) conditions and staff recommended approval with two (2) conditions.

Ramsey Walker, 311 Antioch Road, Fayetteville said he had initially requested the 1.5 acres to be subdivided but he had agreed to go with the two acres and the recommendations made by the Planning Commission.

Chairman Dunn asked Mr. Walker why he had not been in favor of the original recommendation.

Mr. Walker asked Chairman Dunn if he was referring to the two acres and Chairman Dunn replied yes. Mr. Walker said he just did not know that was what they would recommend.

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Chairman Dunn asked Mr. Walker if he had any problem doing what he needed to do with this break out.

Mr. Walker replied he had no problem at all.

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

Robert White, 390 McBride Road, Fayetteville said his concern was the area in which he lived. He said the majority of the lots were zoned agricultural and were four and a half acres or more and five acres or more. He said with this lot, Mr. Walker's first request was for one and a half acres. He pointed out that Mr. Walker had changed his request since coming before the Planning Commission for it to be two acres. He remarked that even with the two acres it was not totally consistent with this area. He said he had attended prior Commission meetings just as a neutral observer on several rezoning matters and he had been very appreciative and grateful for the fact that this Board had stood behind the Land Use Plan and had spoken strongly against reducing density. He asked for the Board's consideration in this case that those same considerations be given in respect to the landowners who were presently living in that area. He said he realized that to the North of McBride Road there was a subdivision but the area in question was not a subdivision per se. He said anything that the Board could do would be greatly appreciated.

Chairman Dunn asked Mr. Walker if he had any rebuttal.

Mr. Walker said he did not have any comments.

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

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve Petition No. RP-027-04 with two conditions, discussion followed.

Commissioner VanLandingham remarked that Mr. White had brought attention to the land being zoned A-R. He pointed out that this particular piece of property was already zoned R-40. He said this was a determining factor for him.

Chairman Dunn pointed out that this was an unusual lot. He said it was already zoned R-40 but the Land Use Plan called for two to five acres if it was developed in the future. He said Mr. Walker could have in the past put a one acre lot there. He said in the future if this property was being rezoned under different circumstances any lot from two to five acres would be in compliance with the county's Land Use Plan. He said now that Mr. Walker had gone to the two acre level, he was consistent with not only the current zoning but also the future land use. He said he could not find a reason to deny this request.

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Commissioner Wells asked Mr. Walker who lived on either side of this particular piece of property. She asked if it was family members.

Mr. Walker responded that there were no family members living there.

Commissioner Wells said she had a problem with this request and was torn. She said this was already a platted subdivision and the final plat was approved in 1985. She said the Board has had people come before it at various times wanting to make changes and subdivide plats that had already been final plats in part of the subdivision that had already been in existence. She said she had always felt very compelled that the Board needed to uphold whatever was finally platted. She said people purchased the property with the assumption that the final plat was going to be pretty much the way that it was. She asked Mr. Walker if he had spoken with the individuals who owned tract 1 and tract 3.

Mr. Walker said the owners of tract 1 had previously indicated an interest to purchase the property but he had not heard from them. He said he had heard nothing from the owners of tract 3.

Commissioner Wells said the property was posted so she was sure that these property owners were aware of this request.

Mr. Walker replied that he had not heard from any of the property owners one way or the other.

Commissioner Wells said this was her main concern with this request. She expressed concern that this might set a precedent with people coming in the future and wanting to change an entire tract in a subdivision.

Chairman Dunn called for the vote.

The motion carried 4-1 with Commissioner Wells opposing the motion.

PETITION NO. 1124-04:

Senior Planner Pete Frisina read Petition No. 1124-04, J. H. Chandler, Owner, and Audrey Massey Agent, request to rezone 3.857 acres from R-70 to O-I to develop O-I uses. He said this property was located in Land Lot 128 of the 5th District and fronts on S.R. 54 West. He said the Planning Commission recommended approval and staff recommended approval.

Audrey Massey said she was the agent for the property owner J.H. Chandler. She said the property was located at 1231 S.R. 54 West which was in the hospital district on S.R. 54.

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Chairman Dunn interjected that the property was located in the S.R. 54 overlay district which was even more significant.

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

On motion made by Commissioner Pfeifer, seconded by Commissioner VanLandingham to approve Petition No. 1124-04, discussion followed.

Commissioner VanLandingham said he just wanted to make sure that the applicant was aware of the soil conditions and the latest findings of the Fayette County Environmental Health Department.

Mrs. Massey replied yes. She said a Level III soil study had been done of the area. She said she had met with Environmental Health Director Rick Fehr yesterday and he did give her a new report based on the findings of the Level III soil study.

Commissioner VanLandingham remarked that even though this property was zoned O-I there was going to be some limitations placed on it by the condition of the soil.

Mrs. Massey replied yes that she understood that.

Chairman Dunn interjected that it appeared that the soil was among the best percolating soils that could be found in Fayette County.

The motion carried 5-0. A copy of Staff's Recommendation, Analysis and Investigation, identified as "No. 2", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1124-04, identified as "Attachment No. 3", follow these minutes and are made an official part hereof.

PETITION NO. 1125-04:

Senior Planner Pete Frisina read Petition No. 1125-04, Ward and Mary Lynn Westbrooks, Owners, and Audrey Massey, Agent, request to rezone 0.67 acres from R-70 to O-I to develop O-I uses. He said this property was located in Land Lot 128 of the 5th District and fronted on Sandy Creek Road. He said the Planning Commission recommended approval with one (1) condition and staff recommended approval with one (1) condition.

Audrey Massey said she was the agent for property owner Ward Westbrooks. She said the property was located at 122 Sandy Creek Road. She said Mr. Westbrooks was requesting the change in zoning. She remarked that Mr. Westbrooks' property would be adjoining Mr. Chandler's property along with the property that would be coming next month

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that was part of this project. She said a Level III soil test had also been done on this property.

Chairman Dunn asked if anyone wished to speak in favor of this request. 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 Wells, seconded by Commissioner Pfeifer to approve Petition No. 1125-04 with one condition. The motion carried 5-0. A copy of Staff's Recommendation, Analysis and Investigation, identified as "Attachment No. 4", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1125-04, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

PETITION NO. 1126-04:

Senior Planner Pete Frisina read Petition No. 1126-04, Caroline L. Wilson, Owner, and Joe Simpson-Rich, Agent, request to rezone 4.4 acres from R-20 to R-40 to develop a single-family residential subdivision. He said the property was located in Land Lot 43 of the 5th District and fronted on Inman Road. He said the Planning Commission recommended approval with three (3) conditions and staff recommended approval with three (3) conditions.

Tom Daniel said he was appearing on behalf of Caroline Wilson and Agent Joe Simpson-Rich. He said this was for the front half of the subdivision. He stated he had met with the County Engineer and worked out a location for the entrance. He said he had also been working with Jeff Kilgore of the Fayette County Environmental Health Department regarding the soils. He said three lots were actually going to be removed from the overall subdivision. He said he would not have a final answer on that for approximately another month.

Chairman Dunn clarified that the entrance way properties were being rezoned to keep them consistent with everything else in the new subdivision.

Mr. Daniel replied yes that was correct.

Chairman Dunn pointed out that the petitioner had previously been before this Board and was asked to make some further corrections on the property so that it would be consistent with the area. He said it appeared to him that this had been done.

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

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Sandra Daniel remarked that this property was adjacent to her property. She said the last time petitioner had come before the Board the road was moved up on the other side. She said the road was now back down beside her home. She expressed concern with the runoff. She said with the ten foot buffer, it would only be twenty feet from her house to the road. She said she was also concerned about security and people turning into her driveway. She asked for consideration for the applicant to move the location of the road. She said she felt uneasy about the road being that close to her property. She pointed out that one of her neighbors had recently had a tractor stolen from his carport area.

Chairman Dunn asked Ms. Daniel about her statement that the road had been moved.

Ms. Daniel responded that the road had been moved. She said the road was previously located up on the far side and now because of the turning lane it had been moved to her side. She said she had also been told by her neighbor that they had contacted her about this situation. She said she had not been contacted by anyone and as a matter of fact she had contacted them. She said she had contacted them the day before the first hearing.

Chairman Dunn said he would like to address this. He said he was not aware of the road location being changed. He said as he recalled, the Board had asked agent Tom Daniel to simply rezone the lots at the entry way so that they would all be R-20 and R-40. He asked why it would be necessary to move the road in order to rezone the lots. He said they were all one acre lots.

Agent Tom Daniel remarked that the Board of Commissioners had also asked him to meet with the County Engineer. He said after meeting with the Engineer on site, the County Engineer recommended the road be located with the turning lane and the dedication of right-of-way. He said petitioner was not opposed to moving the road to the north side as it had been shown. He said the change of the location of the road was per county staff's request.

Senior Planner Pete Frisina remarked that this was correct. He called the Board's attention to the staff's report on page 4-3 under access. He said this gave an explanation that the Engineering Department did go back out and take a look at this and he felt this was the best place for the road due to sight distance and accommodating decel and accel lanes.

Chairman Dunn asked Mr. Daniel what the Board had asked him to discuss with the County Engineer the last time he was before the Board.

Mr. Daniel responded that one of the main points with the Engineer was the road location. He said the original petition had the road on the south side. He said petitioner came back after that meeting and hearing the concerns had the road shifted to the north side.

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Chairman Dunn said he did not see any need to move the road the last time petitioner was present with this application.

Mr. Frisina said this was a finding by the Engineering Department that due to the sight distance and the decel and accel lanes that the road had to be moved to the southern portion of this tract.

Chairman Dunn asked if the Engineers had coordinated with petitioners when they were before the Board the first time. He recalled they had.

Mr. Daniel said petitioners had been through the entire process and review. He said to the best of his knowledge the Engineers had changed their minds about the location of the road. He said they came back and said that this would need to be the location on the south side.

Commissioner Wells asked Attorney McNally for clarification on this issue.

Attorney McNally remarked that there had been objection to the placement of the road during the first time through this process. He said they had agreed that they were going to meet with the Engineering staff and determine the best place for the road to go.

Chairman Dunn said he was hearing that no one had coordinated this with Sandra Daniel. He said one of the things that had occurred in the last meeting was that they had moved the road the last time because of Ms. Daniel's concerns.

Sandra Daniel said that was correct. She said she had not heard anything from the Engineers since the beginning of this project. She said she did not know until tonight why the road had been changed.

Commissioner Wells asked which Engineer had decided this.

Mr. Frisina replied it was Engineer Phil Mallon.

Commissioner VanLandingham remarked that Ms. Daniel had lived at that location for a long time and now a road was going in approximately twenty feet from her home. He said he was not in favor of that happening. He said if the Engineers moved the roadway up then it would undoubtedly be a safety issue. He said on the other he was not in favor of a road going in that close to a residence.

Commissioner Wells remarked that it was perfectly legal for the road to be there according to the county's rules, guidelines and standards. She noted that it was aesthetically displeasing and unpalatable to Ms. Daniel but according to county standards and the rules

under which the county operated, it was a perfectly acceptable procedure for the Board to do. She said for the Board to impose a safety hazard for county citizens and the people living in this subdivision because of an inconvenience aesthetically for one individual, would make the Board irresponsible. She said she was not diminishing the impact on Ms. Daniel but if the Board moved this road to another location after the Board had been legally told by experts that it would create a safety hazard, she felt this would be irresponsible on the Board's part to do so. She felt the Board would be remiss if it allowed this road to be moved to an unsafe location. She pointed out that the Board would not be deviating from county standards either and she saw no way legally to deny this petition.

Commissioner Frady asked Mr. Frisina if the other road had met the standards and this road was meeting a higher standard.

Mr. Frisina responded that he did not have the write up from the last rezoning. He said after a field survey the Engineering Department felt this to be the best location of the road based on these safety issues. He said he could not say for sure if the other road location met county standards.

Chairman Dunn said he understood at the last meeting that County Engineers had coordinated with the developer and that road was alright where it was located. He said now the road had been moved because it was felt to be better there.

Attorney McNally pointed out that this was a zoning that was going from a lower classification to a higher classification. He said the three conditions that had been placed on it did not have anything to do with the road. He said the road placement and the layout would have to be approved in the plat procedure which would have to be brought before the Planning Commission and the staff. He said what the Board was doing tonight was not really relevant to the rezoning of this property. He said he understood that neighbors would like roads placed in certain places, however, this was a piece of property that was already zoned one acre. He said the Board would just be voting on a zoning classification going from one level to a higher zoning classification as far as house size was concerned. He said the petitioner had agreed to the three conditions that were listed. He said that was as far as the zoning issue would go. He said if there was a problem in placing the road, then the engineering staff should get together with the planning staff and that be handled in the plat submission by the developer.

Chairman Dunn said he did not question Attorney McNally's assessment of the legalities of this and what the Board needed to do. He said the only thing that concerned him was the Board receiving a different drawing. He said he understood the engineers at the beginning of this process and now the road had been moved by the engineers to a different location. He said he definitely wanted some follow up as to whether or not the

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other road would be acceptable. He said Mr. Daniel had coordinated with the engineers the way he was supposed to on both occasions and had gotten a different answer.

Mr. Daniel replied yes the first time. He said the second time there was a problem with the north side. He said they had gone back out to the site and met with staff and reviewed the three or four comments made regarding the placement of this road. He said there was a road to the north that they had to contend with and the site was on a downward decline. He said the Engineering Department felt like, based on all of the facts in the field, that the southern entrance would be the preferred entrance. He said as he had stated earlier, petitioner had no preference to either and he was trying to help Ms. Daniel out. He said they could move the road again if staff would allow it.

Commissioner Frady asked Mr. Daniel if the other road had been approved by the engineers the last time.

Mr. Daniel replied that nothing had been approved as far as roads. He said the engineers had looked at it on the plat and said that was fine. He said per this meeting they had decided to go out in the field and talk about this on a more technical level.

Commissioner Wells felt Mr. Daniel was an amenable developer. She said the Board was just being asked to rezone this property. She suggested Mr. Daniel go back and talk to the engineering staff and determine the very best and the safest place for everyone and take into consideration Ms. Daniel's concern as well. She said the Board was just being asked to rezone this property and she did not feel the Board had any legal compelling reason not to rezone it tonight.

Chairman Dunn asked Mr. Daniel to get together with zoning, the developer and the engineers if the State and County standards can be met with the road being moved to the previous location. He said if he lived in Ms. Daniel's home he would not want a road that was twenty feet from it either. He said if there was a way to accommodate Ms. Daniel then the county needed to look long and hard at that.

Commissioner Wells interjected that she agreed but without jeopardizing the safety of the citizens.

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

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve Petition No. 1126-04 with three conditions, discussion followed.

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Commissioner VanLandingham said he did not like this at all and he wanted staff to be very diligent in looking at a way to work this out for Ms. Daniel. He said a road located twenty feet from your home would not be very pleasant.

Mr. Frisina interjected that the right-of-way would be ten feet from the property line and the road would be within the right-of-way. He said the actual pavement was going to be further away than ten feet from her home.

Commissioner Frady remarked that he would like for staff to keep Ms. Daniel informed.

Chairman Dunn clarified that the Board's motion tonight was to rezone the property. He said it was currently one acre zoning and it would remain one acre zoning but the houses would have to be bigger now. He said what the Board approved tonight would not approve the plat. He said the plat would be approved with additional work from the staff on the placement of that road and if at all possible the Board was asking that the road be put back to the location where it was first located. He said if it was not safe to do that then it could not be moved.

Chairman Dunn asked Mr. Frisina to keep Ms. Daniel informed and allow her to partake in the discussions on this matter.

The motion carried 5-0. A copy of Staff's Recommendations, Analysis and Investigation, identified as "Attachment No. 6", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1126-04, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

ORDINANCE NO. 2004-04 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, B. S.R. 85 NORTH OVERLAY ZONE, 2. DIMENSIONAL REQUIREMENTS, F. GASOLINE CANOPY:

Senior Planner Pete Frisina remarked that this item was for consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, B. S.R. 85 North Overlay Zone, 2. Dimensional Requirements, f. Gasoline Canopy. He said the Planning Commission recommended approval as submitted.

Mr. Frisina commented on the last rezoning that was in the S.R. 85 corridor where a Quick Trip was rezoned. He said they had some problems in meeting the setbacks and asked staff to look at this. He remarked that under all of the overlay zone gasoline canopies have to be a total of 100 feet back from the right-of-way of State highways. He said the first 50 feet of that would be landscaping and an additional 50 feet would be a setback.

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He said in speaking about this matter with the Planning Commission, staff had come to the conclusion that most of the State route overlays going through State routes were a mix of both commercial non-residential and residential. He pointed out however, that the North S.R. 85 corridor was predominantly non-residential and there was no residential that would be impacted by this. He said staff had come to a compromise of a small reduction in the setback for canopies and this would still allow Quick Trip to get their canopy in. He said Quick Trip would still have to come in for an administrative variance but it was really just a reduction of 15 feet which staff felt was adequate up in the North S.R. 85 area.

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

Thomas Wells stated that he was the Director of Real Estate for the Quick Trip Corporation, 5875 Peachtree Industrial Boulevard, Norcross. He said he had appeared before the Board during the rezoning of the property and appreciated his relationship with the county. He said he was appearing in support of the modification of the overlay requirements to somewhat mirror the consideration given to gasoline canopies in the conditional use section which Quick Trip was required to be a part of as well. He said in that section it provided for canopies to be within 15 feet of the right-of-way and in Section 523 permitted encroachments which also referred to gasoline canopies. He said this was a reduction in the total 100 foot building line for all structures. He said the compromise that had been worked out with staff was to grant a 15 foot reduction from the 100 foot setback in the case of canopies. He asked for the Board's consideration in approving this request. He said he would be glad to answer any questions that the Board might have.

Chairman Dunn asked if anyone else wished to speak in favor of this change. 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 adopt Ordinance No. 2004-04 to amend the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, B. S.R. 85 north overlay zone, 2. Dimensional Requirements, f. Gasoline Canopy. The motion carried 5-0. A copy of Ordinance No. 2004-04, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

CONSENT AGENDA: Commissioner VanLandingham requested that item no. 4 be removed. On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to approve consent agenda item nos. 1, 2, 3, 5, 6, 7, 8 and 9 as presented. The motion carried 5-0.

TAX REFUND REQUEST DENIED: Approval of correction for request by Jonathan Patton for a Homestead Exemption tax refund for the year 2002 in the amount of

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\$271.50 previously approved by the Board of Commissioners at the February 26, 2004 meeting. This action should have been for a denial.

HUMAN RESOURCES: Approval of recommendation from Human Resources Director Connie Boehnke to replace Fayette County's loan default procedures and adopt Hartford's standard loan default procedures. A copy of the memorandum, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

COUNTY'S AUCTION LIST: Approval of request by Purchasing Director Tim Jones to place unserviceable items on the county's auction list. A copy of the memorandum, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

4. Approval of recommendation from Purchasing Director Tim Jones to authorize repair work to be done by Yancey Brothers on two Caterpillar 621 Pans for the Road Department in the amount of \$52,509.32.

Commissioner VanLandingham said he had spoken with Mr. Cofty and Public Works Director Lee Hearn and they were in agreement that this item needed to be removed from the agenda.

BID AWARD - TIFTON TURF FARMS: Approval of recommendation from Purchasing Director Tim Jones to award Bid No. 456 to the low bidder Tifton Turf Farms in the amount of \$47,195 for recrowning of McCurry Park North Soccer Field #5. A copy of the memorandum, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

BID AWARD - BARROW'S MASONRY, INC.: Approval of recommendation from Purchasing Director Tim Jones to award Bid No. 463 to the low bidder Barrow's Masonry, Inc. for the curb and gutter repair work at \$12.00 per linear foot and low bidder Curb Specialist, Inc. for single and double wing catch basin tops repair work at \$475.00 each, on the 20' or less curb & gutter and 20' or less concrete sidewalk in the lump sum price of \$290.00 and on the non-reinforced concrete sidewalk repair at \$280.00 per cubic yard. A copy of the memorandum, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

MALLETT CONSULTING, INC. - WATER SYSTEM: Approval of request from Water System Manager Tony Parrott to authorize Mallett Consulting, Inc. to begin the necessary engineering to consider moving the 250,000 gallon water tank from Peachtree City to the northern part of the county to improve water flows. A copy of

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the memorandum, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

AUCTION - SALE OF COUNTY VEHICLES: Approval of request from Finance Director Mark Pullium to place county vehicles on www.ebay.com for auction. A copy of the memorandum, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meetings held on February 26, 2004 and March 3, 2004.

PUBLIC COMMENT:

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

There was no public comment.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one real estate matter and five legal items.

CONSTRUCTION OF A TURN LANE AT COOPER LIGHTING: Commissioner VanLandingham asked for the Board's consideration for the county to enter into an agreement to pay \$18,750 for the purpose of constructing a turn lane at Cooper Lighting on S.R. 74 in Peachtree City. He said Senator Mitch Seabaugh had approached him on this issue as a safety hazard issue for people traveling on S.R. 74. He said the State would pay for the first half, the City of Peachtree City would pay for half of the second half and the county would pay for that second half.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to enter into an agreement to pay an amount not to exceed \$18,750 for the construction of a turn lane at Cooper Lighting on S.R. 74 in Peachtree City, discussion followed.

Chairman Dunn said this was a result of new industry coming into the industrial area of Peachtree City. He said this was a new industry that everyone was glad to have come into the community. He said the State of Georgia had placed a requirement on the county to put in a new turn lane. He said neither the State of Georgia, Fayette County nor the City of Peachtree City had anticipated this requirement because the decision to move them there did not take place when the budget was being discussed. He said no one had budgeted for this at the State, County or City level, but this was a safety hazard for this community. He said he wanted to thank Harold Linnenkohl from the Georgia Department of Transportation who had entered this argument having no money and then decided the

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State could put up half of it. He said he also wanted to thank the Board for being willing to put up \$18,750 for this project. He said this was a good example of three levels of government working together simply for the safety of the citizens who drive up and down that road. He said he also wanted to thank Senator Mitch Seabaugh for getting actively involved in this project.

Commissioner VanLandingham said he would like to thank Brian Cardoza of the Fayette County Development Authority for his help with this project.

Chairman Dunn called for the vote.

The motion carried 5-0.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss one real estate matter and five legal items. The motion carried 5-0.

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

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

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

The Board took no action on this matter.

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

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

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 5-0.

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.

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

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 one real estate matter and five legal items were discussed in executive session. The motion carried 5-0. 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 9:25 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 7th day of April, 2004.

Karen Morley, Chief Deputy Clerk