

The Board of Commissioners of Fayette County, Georgia met in Official Session on March 23, 2006, 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

STAFF MEMBERS PRESENT: Chris Venice, County Administrator  
Dennis Davenport, Assistant County Attorney  
Carol Chandler, Executive Assistant  
Karen Morley, Chief Deputy Clerk

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

**PRESENTATION BY REPRESENTATIVE VIRGIL FLUDD TO MEMBERS OF FIRE AND EMERGENCY SERVICES:**

Chairman Dunn introduced Representative Virgil Fludd who wanted to present a Resolution recognizing and commending the members of the Fayette County Department of Fire and Emergency Services. He stated that Representative Fludd had recognized these individuals at the State level and it was very much appreciated.

Representative Virgil Fludd said it was indeed his honor to be present tonight and to recognize the members of the Fire and Emergency Services Department. He said firstly he would like to congratulate Robert Horgan on his election as County Commissioner. He remarked that this Resolution was overdue. He said the people who served in the public realm did so without any interest or any intent of recognition of their efforts. He said they did so because they were proud of their jobs and proud of the roles and responsibilities that they have. He said when people think about moving to Fayette County they think about quite a few things. He remarked that when his family decided to move here it was for the quality of life here. He said Fayette County had an excellent school system, an excellent public safety system and strong leaders in the community. He asked Chief Jack Krakeel and the officers of the Fayette County Fire and Emergency Services Department to come forward for the presentation.

Representative Fludd remarked that these individuals served the County very ably and this County was proud of the work that they did every day. He said this Resolution had been adopted by the House of Representatives on February 2, 2006 and he wanted to make sure that he had a personal opportunity as Chairman of the Fayette delegation in the House of Representatives to come here and present this Resolution in person. He pointed out that every member of the delegation had signed this bill. He proceeded to read the Resolution and present it to the representatives of Fire and Emergency Services. A copy

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of the Resolution, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Chief Krakeel commended his staff for all of their efforts and hard work that they exhibited every day of the week. He said they were the individuals on the front lines doing the rescuing and all of the heavy work. He commended Lieutenant Charles Duff and Firefighter/EMT Scott Crabtree for all of their efforts during the tornado that hit Fayette County on January 2, 2006. He also commended George Knight who has contributed thousands and thousands of hours of volunteering for this community. He said Mr. Knight was a volunteer with Emergency Services and also a volunteer with the Red Cross. He said Mr. Knight just recently retired as a pilot from Northwest Airlines and had done an outstanding job for Fayette County. He thanked Representative Fludd for the recognition and said he would accept this Resolution on behalf of the men and women of the Fayette County Department of Fire and Emergency Services.

Chairman Dunn commended Chief Krakeel and his staff for continuing to do such a tremendous job for Fayette County. He said he was in his eighth year on the Commission and this was the first year during that time that Fayette County had a tornado touch down. He said Fayette County had two sets of tornados hit Fayette County this year. He said during these storms the Sheriff's Department and the Tyrone Police Department were also there and it was a great example of all of the emergency services working well together. He also commended the E-911 staff for all of their hard work.

Chairman Dunn said he would also like to recognize Chief Jack Krakeel for an award that he would be receiving in just a couple of weeks. He said Chief Krakeel had received the Fire Chief of the Nation Award in 2002 as he was recognized in the Nation. He said now Chief Krakeel would be receiving from the International Fire Chiefs Association an award for fire and emergency services as being the most influential emergency services/paramedic and supervisor of ems/paramedics and innovators of this group in the entire United States. He said Chief Krakeel would once again be recognized at the top of his field for emergency services and fire. He said this was just indicative of the excellence in the Fayette County Department of Fire and Emergency Services.

**RECOGNITION OF NEWLY ELECTED COMMISSIONER ROBERT HORGAN:**

Chairman Dunn remarked that Robert Horgan was present in the audience tonight and ready to fill the seat on the Board after winning the recent election. He thanked Robert for coming tonight and congratulated him on the election. He said he had never in his career seen a five way race that did not end up in a runoff. He said this Board looked forward to working with him and having the empty seat occupied. He said the only reason Robert was not at the podium tonight was because the law requires that Robert be bonded and sworn in first. He said by the next Commission meeting on April 5<sup>th</sup> Robert would be sitting with the Board and a fully participating Commissioner.

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**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 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. T-016-06:**

Director of Community Development Pete Frisina read Petition No. T-016-06, Fayette Presbyterian Church, Inc., Owners, and Southeast Towers, LLC, Agent, request to construct a 195 foot Monopole Telecommunications Tower plus a four (4) foot lightning rod. He said this property was located in Land Lots 189 and 190 of the 5th District, consisted of 20.69 acres, fronted on S.R. 92 North, and was zoned R-20. He noted that the proposed tower did not comply with the 1,000 foot setback from thirteen (13) off-site residences. He remarked that the Planning Commission recommended denial 5-0 and Staff recommended denial.

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Thad Gilliam remarked that he was the agent for Southeast Towers. He presented the Board with a Constitutional Challenge to be made a part of the record.

Chairman Dunn interjected that the Constitutional Challenge would indicate that the applicant would sue the County if the Board denied this request.

Mr. Gilliam remarked that Southeast Towers proposed to locate a 195 foot monopole tower with a four foot lightning rod for a total of 199 feet along Highway 92 North corridor. He said this property was owned by Fayette Presbyterian Church and a variance was being requested for 1,000 foot distance to adjacent residences. He said they had included a map in the Board's packet that indicated the distance from all other towers being one mile away. He said this proposed tower was clear of all other existing towers. He remarked that the other main requirement was the distance from adjacent property lines being 200 feet and all of those setbacks had been met as well. He said there were thirteen residences that were less than 1,000 feet. He noted that an extensive search was done of this area trying to find a parcel that would accommodate the location of that tower without encroaching upon residents. He said all of the parcels were small enough and the population of residences was dense enough to where that was not feasible for a portion along Highway 92. He stated that this parcel had been submitted with the request for these variances to accommodate that coverage. He remarked that all of the other requirements that were included with the packet including the environmental studies, the F.A.A. letters, the structural design being for five carriers on the monopole, designed for co-location per the County's ordinances. He said they had met all of the requirements for fencing and landscaping. He remarked that the only item that they did not comply with was the 1,000 foot setback. He said the closest residence was 557 feet but there was just nothing in the area that would accommodate that. He said there was an additional item showing the sizes of all of the parcels and the distances to them.

Mr. Gilliam further remarked that Southeast Towers accepted the recommended conditions by the Planning and Zoning Department on the meeting on March 2<sup>nd</sup>. He said there were five recommended conditions and the applicant agreed to all five of those conditions. He said in the packet there was a section prepared by Cingular Wireless who was the applicant for this tower. He said Cingular would be the initial tenant on the tower. He stated that there was a table included there that basically showed the maximum permissible exposure by the F.C.C. He said there were studies included that show what percentage of that maximum radiation exposure would be generated by the tower. He said the very maximum percentage of that maximum permissible was .0079%. He said this would be a very, very miniscule of radiation was actually experienced by people below the tower. He said that was a main concern of surrounding residents at the Planning Commission hearing as well as at the community hearing prior to the Planning Commission hearing. He remarked that people seemed to be the most concerned with health related issues. He said also in the report there were graphical representations of the coverage for Cingular with and without the tower and the need was shown for a tower in that area in trying to accommodate that coverage for them. He further remarked that the main concerns of the surrounding

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residences was the health issue. He said he had tried to address those concerns in pointing out the Cingular safety study as well as providing several articles on health issues in the report that the Board had received.

Mr. Gilliam commented on the concerns of radiation exposure. He said there were two sides to that entire debate and there was really no proven scientific or medical evidence that would prove anything to the negative side of the issue. He remarked there were a lot of opinions but nothing substantial had actually been proven by anything medically or scientifically. He said the coverage was needed by Cingular and others and for the Board to deny construction of a cell tower site along this portion of Highway 92 would create a hardship for the carrier. He said this would deny the carrier to not be able to effectively build out their network as allowed by the Telecommunications Act of 1996. He said they had diligently tried to comply with the Fayette County ordinance by locating within the highway corridor and making sure this was set back from all of the property lines and also locating as far back as possible on the parcel to the power line easement. He said there was just nothing along that stretch of the highway that would allow a site there within 1,000 feet of any houses. He said this was one of the largest parcels in there. He remarked the distances to adjacent residences was the only condition that they could not meet. He asked for the Board's consideration to approve the tower use permit and the variances associated with it.

Chairman Dunn asked if anyone would like to speak in support of this application. Hearing none, he asked if anyone wished to speak in opposition.

Walt Hanley, 200 Madison Place, Fayetteville said he lived in the house that was alleged to be 557 feet away. He asked the Board if there had ever been a request for a cell tower which required so many variances. He said this request was for thirteen variances with the closest being 557 feet from his home. He said if the Board approved this request it would set a precedent for the citizens of Fayette County as it would open the door for other towers in any of the neighbors and subdivisions. He said from what he understood the variances that had been granted affected only one or two homes and by mere tens of feet of compliance. He said this request for variance was nearly half of the prescribed minimum. He remarked that he was very much prepared to go into detail as to how and why the submitted drawings only offered a partial picture but questioned what difference this would really make. He said this request should be denied on the basis of what was submitted. He pointed out that thirteen homeowners would have a cell tower less than 100 feet away from their house. He said thirteen homeowners would have to contend with selling their homes with an obvious eyesore rising 100 feet out of the trees. He stated this was something that perspective buyers would definitely notice. He said thirteen homeowners would live under the dread of possible health effects caused by twenty four hour a day and 365 days per year exposure to microwave radiation. He stated that thirteen homeowners would have to explain to perspective buyers that cell phones did not really represent a real risk despite the articles that appear in the newspapers every day. He said thirteen homeowners would have to bear the financial burden of this tower going up. He said if thirteen variances were

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not enough to bury this request, he doubted that anymore would make any difference either. He remarked that his house was 557 feet away which was nearly half of the prescribed distance. He questioned what difference would it make if it was 100 or 200 feet closer. He noted that his house would still be right underneath the tower. He said approval of this tower would set an ugly precedent in Fayette County. He asked that the Board heed the recommendation made by the Planning Commission. He said if this Board should consider granting this request, he asked them to consider the close proximity to the tower to the designated wetlands and the impact of wildlife there. He said at night he could hear the owls screeching from that group of trees. He said storms had done a lot of damage in that area and he would hate to see anymore trees be taken out. He said the location of the proposed tower also seemed to be in a flood zone. He noted that there was a small creek about 50 yards to the North of the proposed location. He expressed concern for water runoff. He said ultimately this creek ran down into a stream which passed under S.R. 92.

Mr. Hanley further remarked that the church had periodically run a Mothers Day Out Daycare type operation. He said according to Article V, Section 5-40 standard for telecommunication antennae and towers Section F. development requirements under item (4) stated that towers shall not be located in the same lot or school as a daycare center which would beg the question if this was put there for aesthetics or did somebody share his concerns for health. He asked that the Board deny this request and remarked it was outrageous.

Joseph Olvera remarked that no one would know what kinds of diseases or ailments that people could have in the future from these magnetic fields. He said he would like to see somebody who would be liable for this. He remarked that he would like this in writing from either the tower or the church that they would be liable for these ailments. He said he had a petition that he would like to present to the Board with signatures in opposition to this request. A copy of the petitions, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

Heidi Bolton, 135 Madison Place, Fayetteville said her home was located across the street and she was not one of the thirteen homeowners within 1,000 feet. She said she agreed with what the other people had said in opposition. She remarked that she did have a Cingular cell phone and would admit that she did not have as good of coverage of others but she did have cell coverage in her house and in her yard. She said she just did not see the need for the cell tower.

Chairman Dunn asked if anyone else wished to speak in opposition. Hearing none, he asked the petitioner if he had any rebuttal comments.

Mr. Gilliam said the only rebuttal that he had was that the proposed tower would be located out of the one hundred year floodplain.

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

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to deny Petition No. T-016-06, discussion followed.

Chairman Dunn asked if the Board had any comments.

Commissioner Wells interjected that since the Board had been presented with a possible Constitutional Challenge with a court case she was going to refrain from any comments that could become part of that litigation.

Chairman Dunn remarked that the Board had also received a copy of these petitions from property owners adjacent to this property or very close to it. He said there had been discussion of health issues and there was no way in the world that this Board could determine whether there were or were not any health issues. He said for him, if the current regulations were adhered to, no one would have to worry about whether the health issues were there or not.

The motion carried 4-0. A copy of the Resolution denying Petition No. T-016-06, identified as "Attachment No. 3", follows these minutes and are made an official part hereof.

**PETITION NO. 1167-06:**

Director of Community Development Pete Frisina read Petition No. 1167-06, Thomas M. Owen, Owner, and Timothy P. Harper, Agent, request to rezone 9.00 acres from R-70 to O-I to develop a Medical and Related Office Park. He said this property was located in Land Lot 129 of the 5th District and fronted on Sandy Creek Road. He said the Planning Commission recommended approval subject to the two (2) recommended conditions 4-1. Staff recommended approval with two (2) recommended conditions.

Tom Selmer, 101 Swanson Ridge, Peachtree City said he represented Agent Tim Harper and owner Tom Owen. He said the applicant was requesting a rezoning to develop a small professional center that they felt the county had a need for. He said this would be a unique opportunity for professionals to buy their own type of facility and lease as well as be close to the hospital. He said applicant was in agreement with the Planning Commission's request for the two conditions. He said if the Board had any questions he would be glad to answer those.

Mr. Selmer presented the Board with some pictures including examples of a project in Tyrone that was being done with a residential type construction. He said the plan presented to the Board was only a concept plan and probably would not allow the number of buildings shown.

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

On motion made by Commissioner Pfeifer, seconded by Commissioner Frady to approve Petition No. 1167-06 with the two conditions. The motion carried 4-0. A copy of the recommended conditions, Staff's 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 approving Petition No. 1167-06, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

Commissioner Frady remarked that this was going to be a very attractive project.

Chairman Dunn said he had seen many projects done by this firm and they were very professionally done. He said this project would be located right across the street from the side entrance to the hospital on Sandy Creek Road.

**PETITION NO. 1168-06:**

Director of Community Development Pete Frisina read Petition No. 1168-06, Richard Love, Owner, and Pamela Young, Agent, request to rezone 4.84 acres from A-R to R-70 to develop two (2) single-family dwelling lots. He said this property was located in Land Lot 226 of the 5th District and fronted on New Hope Road. He said the Planning Commission recommended approval subject to the two (2) conditions 4-1 and Staff recommended approval with two (2) recommended conditions.

Pamela Young remarked that she was the Agent for Richard Love who was the owner of this property. She said the applicant had complied with the conditions. She said applicant had instructed the surveyor to take off the two 10 feet areas in the front of the property. She said she also had receipt indicating the septic had been crushed and filled. She said she would be glad to answer any questions.

Chairman Dunn asked if anyone wished to speak in favor of this application. 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 Frady to approve Petition No. 1168-06 with two conditions. The motion carried 4-0, A copy of the recommended conditions, Staff's 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 approving Petition No. 1168-06, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

**PETITION NO. 1169-06:**



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Petition No. 1169-06, Mary Ann Abna Estate, Owner, and Robert Mooney d/b/a Cobblestone South Development, Agent, request to rezone 5.3 acres from A-R to O-I to develop three (3) O-I lots. This property is located in Land Lot 70 of the 7th District and fronts on S.R. 54 West. This petition was Improperly advertised and would be readvertised for a future date.

Chairman Dunn remarked that this would be readvertised for a future date.

**PETITION NO. 1170-06:**

Petition No. 1170-06, Mary Ann Abna Estate, Owner, and Robert Mooney d/b/a Cobblestone South Development, Agent, request to rezone 35.13 acres from A-R to R-40 to develop a single-family residential subdivision consisting of 23 single-family dwelling lots. This property is located in Land Lot 70 of the 7th District and fronts on S.R. 54 West. This petition was Improperly advertised and will be readvertised for a future date.

Chairman Dunn remarked that this would be readvertised for a future date.

**ORDINANCE NO. 2006-06 - AMENDMENTS TO THE FAYETTE COUNTY SUBDIVISION REGULATIONS REGARDING SECTION 5. THE SUBDIVISION PLAT AND SECTION 6.**

**MINIMUM DESIGN STANDARDS:**

Director of Community Development Pete Frisina remarked that this item for the Board's consideration was in regard to proposed amendments to the Fayette County Subdivision Regulations regarding Section 5. The Subdivision Plat and Section 6. Minimum Design Standards. He said the Planning Commission had recommended approval 5-0.

Director of Engineering Phil Mallon said these changes were put together originally to address a concern that was perceived that sometimes older subdivisions would have lots in them that were considered unbuildable but yet they were platted and the Engineering Department would have no choice but to allow a house to go in. He said staff had looked at different sections of the regulations to ensure that when a person buys a lot in Fayette County they could be guaranteed of having adequate area to build a house, accessory structures and most importantly good soil for septic tanks.

Mr. Mallon said he would review the highlights of the changes and if the Board had any questions he would be glad to answer those. He said these changes would require that State waters and their associated buffers and setbacks be delineated at the time of preliminary plat. He said this would pertain to not only the State waters on the subject property but if there were State waters adjacent to a property line that would impact the property under development because of buffers and setbacks, they would have to show those as well. He said in the past staff had relied on a national wetland inventory map to do the wetland determination which was grossly inaccurate. He said this would require field delineated wetlands at time of preliminary plat. He remarked that it would also require a Level III soil survey at preliminary plat. He said staff had incorporated by reference the

preliminary plat check list that the Engineering and Zoning Departments used. He said staff had also changed the surveyor certification and added an engineer's certification for the final plats. He pointed out that most important of all of these was that staff was establishing minimum contiguous areas by zoning district. He said that area would have to be a contiguous area that was free and clear of any buffers and setbacks of any type, wetlands, floodplains or easements. He said this effort had been around for quite a while now and had been started in late November or December, 2005. He said staff had met with the Planning Commission as well as members of the development community several times and everyone was in agreement with the changes before the Board tonight.

Commissioner Frady questioned number 6 as listed in the changes stating that each new lot shall have a minimum contiguous area free and clear of any buffers, setbacks, wetlands or easements of any kind. He asked Mr. Mallon for clarification on that.

Mr. Mallon responded that an A-R lot would require a five acre minimum. He said this section was saying that somewhere within that five acres they must ensure that two acres were contiguous free and clear of all of the items mentioned. He stated that the lot could still have up to three acres of wetlands, buffers or setbacks. He said at least two acres must be guaranteed to be contiguous outside of that.

Commissioner Frady remarked that the setback would be from the property line. He asked if this would crimp the property somewhat. He remarked it said free and clear of setbacks.

Mr. Mallon replied yes. He said the way in which staff had come up with these numbers was they assumed a rectangular lot using minimum lot width required by zoning currently and drew in the front, rear and side yard setbacks. He said they looked at the area that was required by zoning already to be outside of those setbacks and then they used that area or a smaller number.

Commissioner Frady said if someone took out a 50 foot setback they might not have as much land left. He said he was aware that no one could build in a setback.

Mr. Mallon remarked that the two acres that would built on would have to be beyond and inside those setbacks.

Chairman Dunn asked if anyone wished to speak in favor of these changes.

Randy Boyd said he just wanted to take this opportunity to thank Phil Mallon for all the work required on the development of the ordinance. He also thanked the Planning Commission for giving the development community the opportunity to work things out. He said he was in support of this 100%.

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

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to approve the Amendments to the Fayette County Subdivision Regulations regarding Section 5. The subdivision plat and Section 6. Minimum Design Standards, discussion followed.

Commissioner Pfeifer said he had noticed that there had been several amendments to the County's ordinances recently and he was all in favor of these recommendations and changes. He remarked that it was just wonderful to have these clarified. He said questions come up all of the time during rezoning hearings and now there would be definite answers. He said this would help those individuals wanting to build and also those individuals who did not want to build.

Commissioner Wells interjected that she appreciated Randy Boyd taking part in this process and the expertise that he had brought to the table. She also thanked Phil Mallon for everything that he had done and remarked that this had been a win/win situation for Fayette County.

Commissioner Frady said he would like to thank the Planning Commission for allowing these amendments for consideration and a recommendation coming to the Board of Commissioners for a decision.

Chairman Dunn agreed. He questioned Mr. Mallon as to what the difference was in a Level II and a Level III soil survey.

Mr. Mallon responded that the difference would be the frequency of the testing that would be done for the property. He noted that there was a certain number of testing areas per acre for a Level II soil survey and this would increase with a Level III soil survey.

The motion carried 4-0. A copy of Ordinance No. 2006-06, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**92 MINI MART/GEO H. GREEN OIL, INC. - PACKAGED BEER SALES LICENSE:**

Director of Community Development Pete Frisina remarked that this was a request for the Board's consideration for a Packaged Beer Sales License for 92 Mini Mart /Geo H. Green Oil, Inc., 1493 S.R. 92 North, Fayetteville, Georgia. He said William P. Wyatt, Sr. and Edward C. Wyatt were Co-Owners, and John T. Bushaw was the Applicant. He remarked that this property was located in Land Lot 256 of the 13<sup>th</sup> District, fronted on S.R. 92 North, and is zoned C-H. He noted that this request was for a change of ownership.

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Dana Woodford remarked that she represented George Green Oil, Inc. She said she wanted to assure the Board that they do one day training in house for every employee that they hire. She said they have bi-weekly sting programs where they go in and make sure that underage children were being sold tobacco or alcohol. She said if the person fails the sting operation, they would lose all of their bonuses for one month. She said if the person passes the test they would receive a gasoline certificate for free gas.

Commissioner Frady clarified that this was just an ownership change and Ms. Woodford replied yes that was correct.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the change of ownership for the packaged beer sales license for 92 Mini Mart/ Geo H. Green Oil, Inc., 1493 S.R. 92 North, Fayetteville. The motion carried 4-0.

**DISCUSSION OF A REQUEST THAT OLD HIGHWAY 138 BE OPENED FOR THRU TRAFFIC:**

Chairman Dunn announced that the Shenandoah Homeowners Association requested that this item be tabled to the April 13<sup>th</sup> Commission meeting.

**CONSENT AGENDA:** Commissioner Frady requested that item #6 be tabled to the April 13<sup>th</sup> Commission meeting. Chairman Dunn noted that the Sheriff's Department requested that item #9 be withdrawn from the agenda. On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the consent agenda item nos. 1, 2, 3, 4, 5, 7, 8, 10, and 11 as presented. The motion carried 4-0.

**BID #543 - METRO ASPHALT PAVING COMPANY AWARD BID FOR STATION 4 ASPHALT OVERLAY:** Approval of Bid #543 to low bidder Metro Asphalt Paving Company in the amount of \$18,928 for Station 4 asphalt overlay. A copy of the recommendation and contract, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

**ANIMAL SHELTER - MITEL 3300 CX PHONE SYSTEM:** Approval of Finance Director's recommendation to use \$4,050 of contingency funds to purchase the Mitel 3300 CX phone system for the Animal Shelter. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**TRANSFER OF FUNDS - TO COVER GASOLINE EXPENDITURES:** Approval to transfer funds originally budgeted in contingency into department line items to cover

gasoline expenditures. A copy of the request, identified as "Attachment No.11", follows these minutes and is made an official part hereof.

**TRANSFER OF FUNDS - TO COVER PERFORMANCE AND BENEFITS**

**EXPENDITURES:** Approval to transfer funds originally budgeted to contingency into department line items to cover expenditures for performance and benefits. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**TRANSFER OF FUNDS - TO COVER COMPUTER EQUIPMENT**

**EXPENDITURES:** Approval to transfer funds originally budgeted to contingency item department line items to cover expenditures for computer equipment. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

6. Approval of request by the Water System for additional fencing to secure the park at Lake Horton.

Commissioner Frady requested this item be tabled to the April 13<sup>th</sup> Commission meeting.

**EMERGENCY SERVICES - HOMELAND SECURITY GRANT FOR PORTABLE**

**RADIOS:** Approval to use remaining funding in the amount of \$159,368.16 from a Department of Homeland Security grant for the purchase of portable radios. The Department of Homeland Security and the Georgia Emergency Management Agency have approved our request for utilizing the remaining grant funds for this purpose. A copy of the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

**BID AWARD #546 - GDE RENOVATIONS, INC. FOR WATER SYSTEM**

**PAINTING:** Approval of staff recommendation to award Bid #546, Water System Painting, to the low bidder, GDE Renovations, Inc., for \$57,063 for painting of the Crosstown Water Treatment Plant and the Lake Peachtree Pumping Station and authorization for execution of subsequent contract by the Chairman. A copy of the recommendation and contract, identified as "Attachment No. 15", follows these minutes and are made an official part hereof.

9. Approval to replace 2001 Chevrolet Impala Vin #2G1WF52E519274499 with 98,000 miles driven by an investigator in the CID division. *(Tabled from February 23, 2006 and March 9, 2006 Commission Meetings.*

Chairman Dunn remarked that the Sheriff's Office requested this item be withdrawn from the agenda and be discussed at a future meeting.

**RESOLUTION NO. 2006-08 - AUTHORIZING USE OF CREDIT CARDS FOR PAYMENT OF TAXES:** Approval of Resolution No. 2006-08 authorizing use of credit cards for payment of any and all taxes, fees, and other costs imposed by the County, to the extent allowed by state law. A copy of Resolution No. 2006-08, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meetings held on December 7, 2005 and February 23, 2006.

**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:**

**REQUEST FROM THE TOWN OF WOOLSEY:** Attorney Davenport said the County had received a request from the Town of Woolsey to perform some plan review services for the Town. He said the County currently provided services with respect to erosion and sedimentation control, flood plain review and things of that nature. He said this would be in addition to the current services that the County provides. He said staff had reviewed this and outlined some terms and conditions which total \$1,300 for the County to do the plan review for the proposed subdivision. He asked for the Board's consideration to authorize the Chairman to sign a letter outlining these terms and conditions to the Town of Woolsey. He said if this was acceptable to the Town, the County would perform this service in the amount of \$1,300.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to sign a letter to the Town of Woolsey outlining the terms and conditions for the County to perform some plan review services for the town in the amount of \$1,300. The motion carried 4-0. A copy of the letter, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

**EXECUTIVE SESSION:** Commissioner Frady requested an executive session to discuss one legal item

Assistant County Attorney Dennis Davenport requested an executive session to discuss three legal items.

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**EXECUTIVE SESSION:** On motion made by Commissioner Wells, seconded by Commissioner Frady to adjourn to executive session to discuss four legal items. The motion carried 4-0.

**LEGAL:** Commissioner Frady discussed a legal item with the Board.

It was the consensus of the Board for Attorney Davenport to proceed in this matter.

**LEGAL:** Attorney Dennis Davenport reported to the Board on a legal item.

The Board took no action on this item.

**LEGAL:** Attorney Dennis Davenport discussed a legal matter with the Board.

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

**LEGAL:** Attorney Dennis Davenport reported to the Board on a legal matter.

The Board took no action on this matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that four legal items were discussed in executive session. The motion carried 4-0. A copy of the Affidavit, identified as "Attachment No.18", 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 9:15 p.m.

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Karen Morley, Chief Deputy Clerk

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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 13<sup>th</sup> day of April, 2006.

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Karen Morley, Chief Deputy Clerk