

The Board of Commissioners of Fayette County, Georgia met in Official Session on June 28, 2001 at 7:05 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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

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

PRESENTATION/RECOGNITION:

RETIREMENT OF PEGGY CHAMPION, EMPLOYEE OF ENVIRONMENTAL HEALTH:

Chairman Dunn recognized Peggy Champion, who will be retiring at the end of June from the Environmental Health Department. He pointed out that this was another person from the Champion family that the county was retiring here tonight. He said her husband retired a long time ago from Fayette County and he did a tremendous job, and a few weeks ago he had the privilege of giving their son a twenty-year pin as one of the county's firemen. He commented that the Champion family have been involved for so long in the government of this county that there are those who say we would not be here today if it hadn't been for this family. He wished Mrs. Champion well and asked Rick Fehr, Director of the Health Department to come forward to make Mrs. Champion's presentation.

Mr. Fehr stated tonight was going to be his privilege and honor to recognize one of his staff who was leaving tomorrow officially to retire. He said she has been their employee for thirteen wonderful years. He commented she has not only been an employee for their department, but a part of their work family. He said one of the best things he could say about Peggy was that in all her time with their department, he has had nothing but compliments from both her co-workers and the public. He remarked fortunately Mrs. Champion was not retiring from Fayette County, she was going to continue to live here so he hoped to be able to see her occasionally and visit with her.

Mr. Fehr invited Mrs. Champion to come forward at which time he presented her with a plaque which read, *"For thirteen years of outstanding service as a highly valued Environmental Health Member of the Fayette County Health Department, June 2001"*.

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PUBLIC HEARING:

Commissioner Wells dispensed with announcing the rezoning rules.

Chairman Dunn explained that the county had an unusual situation here in that there were only four commissioners. He further said that three votes were needed in order to pass this rezoning. He advised that the Board has adjusted its rules to compensate for the special election that has been going on for the last month and the petitioner has the option whether or not to have his petition heard until there was a full board present. He said the next rezoning hearing would be held on July 26, 2001. He further advised Attorney Ney that the petition could be heard on June 26 without any prejudice. He said if Mr. Ney felt confident that he could get three votes from this board, then we were ready to proceed.

Attorney Ney said he was not very confident of anything but they would like to proceed this evening. He said he hoped that this was not a controversial issue and prayed that it wasn't, but would let the board decide that. He said he hoped that there were three commissioners who felt comfortable with it.

PETITION NO. 1081-01: Mary C. Kartos, Owner, and Sarran Marshall of SprintCom, Inc., Co-Location Agent, and Crown Castle, Inc., Tower Owner, request to rezone 127 acres from A-R Conditional to A-R Conditional to increase the height of the existing 180-foot Monopole Telecommunications Tower to 190 feet. This property is located in Land Lot 45 of the 5th District, fronts on Morgan Road, and is zoned A-R. *The Planning Commission recommended approval with one condition (5-0). Staff recommended approval.*

Jim Ney, Attorney for SprintCom, Suite 600, 100 Galleria Parkway, Atlanta, Georgia 30339, stated he was there this evening, representing SprintCom, Inc. He said he was requesting a rezoning from Agricultural-Residential Conditional to Agricultural-Residential Conditional so this was not a very controversial issue. He added that he was not seeking any zoning classification change but what they were seeking was a change of merely one condition that was applicable to an old existing zoning that limited the height of this tower to 180-feet. He stated he was seeking tonight for a change in that one condition which would allow the owner to build it to 190-feet and add an extension of merely 10-feet onto it. He said he wanted permission to raise the height of this tower by only 10-feet so that it will then be a 190-foot tower and they would propose to co-locate on the top of the tower at the 190-foot level. He said the idea here was one that was encouraged greatly by the county staff, the county's ordinance and by the policies of this board, to clearly avoid building a new tower or completely building a second or third tower when you can co-locate and very easily follow the policy that was encouraged by this board and the staff.

Mr. Ney commented the existing tower was located on a large, 127-acre tract of land on Morgan Road which happens to be a dirt road but it was healthy and sound. He said the property is owned by Mrs. Mary Kartos. He stated the existing tower is 180-feet, it has been there for sometime, probably since 1998, and was owned by the Crown Castle people who are the lessee's. He said the original zoning of this tower took place in 1998 and contained

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five conditions but merely one that limits the height to 180-feet, and a fifteen-foot lightening rod. He said his party was seeking to increase the size of the tower to 190-feet with a nine foot lightening rod so that it will be 199-feet or approximately that at the end of the day. He said that Sprint needed this additional height in order to serve its coverage needs and supply its wireless telecommunications services to this portion of Fayette County.

Mr. Ney remarked the board would see two propagation plats which have been prepared by radio frequency engineers. He pointed out the first plat the board would see in black showed a massive coverage gap which the county suffers in this area. He said when you were in this area, which was designated in black, you had a coverage gap and this was where calls were terminated, you cannot make or receive calls, and calls were dropped.

Mr. Ney said the second plat he would be showing the board would clearly indicate what the coverage would be once they were able to achieve this height and co-locate on this 190-foot tower. He mentioned this was the answer and the way to supply coverage to an area where it was desperately needed. He said this gave a clear picture of how this coverage would be achieved.

Mr. Ney stated one of the specific goals of the Fayette County Zoning ordinance appears in Section 5-40 which calls for and encourages shared use of existing towers or co-locating on an existing tower to avoid the proliferation of towers. He said this was exactly what they were trying to do here and work within the county's framework. He said Sprint plans to extend the height of the tower to 190-feet and will have a 9-foot lightening rod on top of that facility. He added that the idea of this was so they would have a 199-foot facility where it will not be required to be lit under FAA standards. He said that was a part of their intent, they need the height, but they want to make sure they don't light the facility. He commented that they carefully reviewed the report that has been issued by the county planning staff and they clearly recommend approval of this proposal. He said the staff acknowledges that this request of co-location would be a permitted use, but for the condition that limits it to 180-feet. He remarked this one condition was done in 1998 and that was the condition they sought to change tonight, just the 10-feet to extend it to 190-feet. He pointed out that the county staff carefully analyzed each of the setback requirements that was applicable to this site and concluded that it complied with each and every one of the setback requirements. He said under the area of staff's report where they did a staff analysis, county staff very carefully considered the factors to be considered under Section 5-40 of the county ordinance. He pointed to page 1-4 of staff's report where they respond affirmatively to each and every one of those factors that are to be considered. He commented that this property and the surrounding property were largely heavily wooded with dense vegetation. He said it happened to be near a power line easement so there was a major transmission line that ran near it from the backside. Mr. Ney presented the board with pictures which clearly showed the dense woods and vegetation around this site. He said also, because this site was isolated, it reduced the visual obtrusiveness of the site from the surrounding area, and they thought this was really a major benefit. He added as you can see the dense wooded vegetation on the property acts as a natural barrier to soften the vision impact of the tower structure itself. He noted the Planning

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Commission heard this matter three weeks ago and recommended passage. He said he realized this was a very minor change that he was asking for but it was extremely important to them because it allows them to achieve coverage that they so desperately need. He noted that the request complies with the specific requirements of the county's ordinance and the general goals of the ordinance. He respectfully requested that the board pass this proposal. He introduced Sarran Marshal with Sprint and advised they were both there to answer any questions from the board.

Chairman Dunn asked if there was anyone present to speak in favor or this. Seeing none, he asked if there was anyone who opposed the request and seeing none he brought the matter back to the board.

On motion made by Commissioner Frady to approve Petition No. 1081-01 with one condition as recommended by the Planning Commission. Commissioner VanLandingham seconded the motion for discussion.

Commissioner VanLandingham stated the original intent was to have three subscribers on the tower and there were two on there now.

Mr. Ney said he thought someone had signed up for the tower but he didn't think they were there yet, but they would be the second occupant at this point.

Commissioner VanLandingham said if the original plan was to have three users, and this was going to make the second one, what makes Sprint different from another company that they cannot use that location.

Mr. Ney responded that he believed the tower was prepared for three carriers, not that there were three ready to be signed up.

Commissioner VanLandingham asked what the difference was in the frequency that Sprint could not use one of the locations already there.

Mr. Ney said because this would still leave Sprint with coverage gaps, particularly on the margin of their coverage area. He added that they must be at 190-feet. He said right now there was someone already located at 180-feet and they would have to go to 170-feet. He said that twenty feet of height made a great deal of difference for Sprint in spreading their digital wave lengths.

Commissioner Frady commented that he thought part of the request was that Sprint was trying to co-locate on this particular tower rather than build a new tower some place else since this one was already existing. He confirmed that in order to do this Sprint needed an additional 10-feet plus a 9-foot antenna.

Commissioner VanLandingham confirmed that the other locations on the tower were still useable.

Mr. Ney said someone else could definitely use the other location in the future but for Sprint's needs, we looked at the tower and found we could not use the location at 170-feet. Commissioner Frady remarked along those same lines, as it relates to the county's Emergency Services, we were having to put towers up as high as 350 feet to get coverage. Commissioner VanLandingham said there was no question we were going to have to have towers and it was a good thing there was co-location on these towers. He said what this board did today would reflect on what it would have to do tomorrow.

Chairman Dunn said he was very pleased that the county could avoid putting another tower in the county. He added this request was actually a net of 4-feet. He said he was in favor of this request. He commented that some of the citizens did not realize that the county was required by the F.C.C. to provide coverage throughout the county.

The motion carried 4-0. A copy of the Ordinance and Resolution approving Petition No. 1081-01, and identified as "Attachment No. 1", follows these minutes and becomes an official part hereof. A copy of staff's Investigation, Analysis and Recommended Condition, identified as "Attachment No. 2," follows these minutes and becomes an official part hereof.

ORDINANCE 2001-06 AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE II. NONRESIDENTIAL CONSTRUCTION; APPROVAL AND COMPLIANCE, SECTION 8-26, SITE PLANS BY THE ZONING DEPARTMENT. *The Planning Commission recommended approval (5-0).*

Kathy Zeitler, Director of Zoning explained that staff was proposing an ordinance amendment which would allow a waiver of the requirement for site plan approval, for a change in the use of a building. She said a change of use in an existing building (for instance from retail to office, or from a dance school to personal services) requires the property owner to obtain a site plan approval before the business can get a business license for the new location. She said an architect or engineer has to prepare the site plan and this can be an expense to the property owner each time there was a change of use. She stated staff was also proposing a way to streamline the site plan process when there was a change of use, but only when the situation met all of the criteria: no building addition was proposed; the use was a permitted use, not a conditional use; the use was similar or less intensive than the previous use; thresholds for water use, septic system was similar or less intensive than the previous use; no additional parking was required; and the site was in compliance with conditions of approval and site/landscape standards. She remarked to determine thresholds for water use or a septic system, or the intensiveness for the new use, staff would check with the appropriate

departments such as Environmental Health and water. She said if waived, the Fire Marshal would still conduct his inspection of the building to determine if it met Fire Codes for the new use, and any other interior building permits, inspections, or licenses would still be required.

Ms. Zeitler explained that staff believes that this proposed revision will still get the job done, yet eliminate a burdensome step for everyone. She commented that the staff had worked closely with Dennis Davenport on this, and has work shopped this with the Planning Commission, and the Planning Commission unanimously supported this proposed revision. She said staff respectfully requests the board's approval of the proposed revision. She said she was open for any questions or comments.

Chairman Dunn asked for comments from the public and there were none.

On motion made by Vice Chair Wells, seconded by Commissioner Frady to approve the proposed amendments as presented, to the Fayette County Development Regulations regarding Article II. Nonresidential Construction; Approval and Compliance, Section 8-26. Site Plans by the Zoning Department.

Commissioner Wells commented that this was great whenever staff could look at things without having to incur extra expense or extra time. She stated this was going to be something that was going to be similar and less intensive and so this would benefit everyone concerned. She said it was good for us to streamline government as often as we could.

Chairman Dunn said he was very supportive of this change and he felt it was a great initiative on the part of Ms. Zeitler.

The motion carried 4-0. A copy of Ordinance No. 2001-06, identified as "Attachment No. 3", follows these minutes and becomes an official part hereof.

ORDINANCE NO. 2001-07 AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS BY THE ZONING DEPARTMENT:

1. 6-17. O-I Office Institutional District, Section E. Dimensional Requirements, 9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area

2. 6-18. C-C Community Commercial District, Section D. Dimensional Requirements, 9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area

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3. 6-19. C-H Highway Commercial District Section D. Dimensional Requirements, 9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area

4. 6-20. L-C Limited Commercial District Section E. Dimensional Requirements, 9. Lot coverage limit, including structure and parking area: sixty percent (60%) of total lot area *The Planning Commission recommended approval (5-0).*

Ms. Zeitler stated impervious surfaces involved how much the lot was covered by buildings, paved parking and any other structures or features which did not allow rainwater to percolate into the ground where it fell. She said last fall the board amended the parking requirements for certain uses in a first step effort to reduce the amount of impervious surfaces on a site as one of many storm water management solutions. She mentioned there was some talk at that time about limiting lot coverage as a second step effort. She stated currently there were no restrictions on the amount of impervious surfaces in our ordinance on commercial zoning districts. She said the County does limit the amount of impervious for industrial districts to 70%, and in certain overlay districts there is a limit of 50 percent. She commented that the proposed amendments were to establish a lot coverage limit of 60 percent for office and commercial districts. She said 60 percent was derived from checking the industry standards, with what other jurisdictions required (60 percent in Fayetteville, 75 percent in Peachtree City, 75 percent to 90 percent in Coweta). She said staff also checked for what was typical for nonresidential development in the county. She stated with a typical one acre (small scale) retail or office site, 60 percent means up to 6/10ths of an acre could be covered by buildings and parking, etc. She said 60 percent would allow a 10,000 square foot building with the required 33 paved parking spaces on a one-acre site, in addition to accommodating the required landscape and buffer areas. She said large scale development such as shopping centers would have more pervious area, which would translate to better buffering from adjacent uses and cooler parking lots.

Ms. Zeitler commented that staff has work shopped this with the Planning Commission, and the Planning Commission unanimously supported this proposed revision.

Chairman Dunn asked if there were any questions or comments on the proposed amendments and there were none.

Commissioner Frady said sometime ago notice came down from somewhere in Atlanta about impervious surfaces in all the counties. He said it meant that the basins, if Flat Creek ran into Fulton County, they were involved in this with us as well, so we were all creatures trying to get along with each other about how much solid stuff we put on the ground. He asked if anyone remembered how much the percentage was for impervious surface and no one did. He said he couldn't remember the percentage but he wanted to make this comment.

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On motion made by Vice Chair Wells to adopt Article VII. District use requirements by the Zoning Department Sections 6-17 through 6-20. The motion was seconded by Commissioner VanLandingham for discussion.

Commissioner VanLandingham commented he read the information that Ms. Matulia gave the Zoning Board and he thought that the board was right in going ahead and not tabling this because it was better to have something than to have nothing. He said he hoped the county was proactive enough that we will continue to monitor this and see if there were other ways we could improve in this area. He remarked he appreciated the staff taking the initiative to go ahead and do this. Commissioner Frady spoke of his carport where he had to straddle narrow areas of concrete. He said he thought the original use of the ground area was for oil drips. He said he talked with Mr. Cofty and he was pursuing this to see if it would be feasible for us to make this a requirement in parking areas to where the land under the car could be dirt and would absorb water to stop the runoff. He stated he and Mr. Cofty also talked about not having curb and gutter because all we were doing was directing water down to the streams. He said there were a couple of things the county needed to look at and this was a beginning. He said he would like to see discussion begin on the parking issue because it would probably save about 40 percent on asphalt.

Vice Chair Wells said she agreed and thought today was a good beginning point and she did like the fact that we were going with the 60 percent, although it seems to be an arbitrary number, rather than the seven-five percent. She stated Fayetteville had 60 percent and any time she thought about the city's impervious surfaces, the first thing she thought of was the CVS pharmacy store in the city off of Highway 85 and it looked like the entire lot was covered by pavement. She commented this was one of those things that jumped to her mind immediately and anytime the county could avoid anything of that nature, she felt we were moving in the right direction. She said despite the interest we have had recently in the environment we were still in the infancy stage, and this was a good place to start to monitor and look at some of the creative things Mr. Frady talked about. She added we might find that our grandparents knew best and that all of our technology was not serving us well, but at least we were setting a standard and we could monitor it from there.

Chairman Dunn stated that eventually the county was going to be directed to do certain things in the State of Georgia and this would put us way ahead in that process. He said many jurisdictions did not have rules at all for commercial, industrial or office space, and this was a good initiative on our part. He said over time we would figure the best percentage for impervious surfaces and in the meantime this was a great initiative. He remarked the one other thing he was impressed with today, when he had a discussion with Ms. Zeitler, was that she said the average person that comes in and builds something would not be affected by this, it was just a few people who want to cover the whole lot. He added that he supported this 100 percent.

The motion carried 4-0. A copy of Ordinance No. 2001-07, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2001-08 AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-19. C-H HIGHWAY COMMERCIAL DISTRICT, B. PERMITTED USES, 57. MINI-STORAGE FACILITY WITH A UNIT FLOOR SPACE NOT TO EXCEED 425 SQUARE FEET, DELETE AND INSERT INTO C. CONDITIONAL USES, 17. SELF-STORAGE FACILITY. *Renumber remaining conditional uses by the Zoning Department. The Planning Commission recommended approval (5-0).*

Ms. Zeitler stated the last ordinance revision proposed tonight was to revise the “self-storage facility use” from a permitted use in the C-H zoning district to a conditional use in the C-H zoning district. She said further that a self-storage facility use was typically found in light industrial areas, and did impact an area due to the type and number of building, truck traffic, and accessory use such as truck rental and outdoor vehicle storage.

Ms. Zeitler explained as a conditional use, a self-storage facility would still be allowed to locate in C-H, but with conditions mainly pertaining to minimizing the impact of the use, and improving the aesthetics of the site. She said these conditions would have to be met for a site plan to be approved. She commented the conditions cannot be varied and these conditions would apply to proposed self-storage facilities, not existing ones.

Ms. Zeitler noted that staff has work shopped this with the Planning Commission, and unanimously supports this proposed revision.

Chairman Dunn asked for comment from the public on this proposal and there was none.

On motion made by Commissioner VanLandingham to approve the proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District use requirements, Section 6-19. C-H highway commercial district, B. Permitted uses, 57. Mini-storage facility with a unit floor space not to exceed 425 square feet, delete and insert into C. Conditional uses, 17. Self-storage facility. Renumber remaining conditional uses by the Zoning Department. The motion was seconded by Vice Chair Wells for discussion.

Chairman Dunn commented this was a very interesting one in that two months ago, we had to come to grips with one of these storage facilities on 85 south and we didn't really have good rules in place at the time. He said he didn't think anyone could have rules to cover every little thing that might come along, but the negotiation process with that particular developer was interesting in that eventually he agreed to all of these conditions that we now have in here and he was a major storage operator and had several locations in the metro area. He said the developer advised the county that ours was much more controlled than anywhere else he had been and we kind of liked that. He said this was putting something in the regulations now that we could apply equally to

anyone who wanted a storage facility in the county, rather than go in there on a one to one basis and argue about conditions. He said, again, this was another great initiative. He commented he thought we would be looking at some more storage facilities in the near future.

The motion carried 4-0. A copy of Ordinance No. 2001-08, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2001-09, AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-1., B. CONDITIONAL USES ALLOWED, 34. SELF-STORAGE FACILITY. Renumber remaining conditional uses. Presented by the Zoning Department. The Planning Commission recommended approval (5-0).

Ms. Zeitler stated that Article VII was just inserting the conditions in Article VII for the self-storage facility use and the conditional use requirements.

Chairman Dunn remarked that this was a house keeping item for our ordinance. He asked the public if they had any comments and there were none.

On motion made by Commissioner VanLandingham, seconded by Vice Chair Wells to approve the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional uses, exceptions, and modifications, Section 7-1., B. Conditional uses allowed, 34. Self-storage facility. Renumber remaining conditional uses. Presented by the Zoning Department. ***The motion carried 4-0.*** A copy of Ordinance No. 2001-09, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 2001-09 ADOPTING THE 2001-2002 FY BUDGET INCLUDING THE WATER SYSTEM: Finance Director Mark Pullium directed the Board's attention to the budget resolution in front of them. He stated at this point in time the general fund appropriations total was \$43,392,014, the total special revenue funds were \$9,398,545, the total solid waste fund was \$801,783, the total for the Water System was \$11,969,145, and the total of all funds combined were \$65,561,487. He said he wanted to take a moment to publicly thank the members of the Commission and Constitutional Officers for all the assistance they and their staff have rendered in this process. He commented it was a fun process, there has been a lot of hard work devoted, and he thanked Chris Cofty for his support and the hard work he contributed to this process. He also thanked his staff, especially Margaret Malone and Janet Camburn.

Chairman Dunn asked for public comment on the budget.

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Emory McHugh, former Finance Director, said he wanted to follow-up on a few things that he talked about at the last meeting. He commented he looked through the budget and could not find a lot of things, he did a public records request and found some of the answers and went through and did some analysis work. He said if you will remember he was a little concerned that we had a budget that had expenditures exceeding revenues by \$3,500,000, which included deferred maintenance that needed to be taken care of. He continued that the county would have a serious problem three or four years from now. He commented one of the things he talked about last time was paying off the Certificates of Participation (COP) early. He said he reviewed the debt service schedule to see whether a good economic decision had been made. He pointed out the average rate on the COPS was actually 5.1107 percent, and the average interest rate on the LGIP for the last six years had averaged 5.53 percent. He commented if those figures were used and were permeated on out, the county would actually have a negative cash flow because of this, of \$235,000 over the next six years. He said we were using current dollars to payoff future dollars and any good bean counter was going to see what the economic loss was. He commented that if we looked at 2.5 percent inflation, the county would be losing \$400,000 on this one transaction. He said he also talked about interest under the open record's act and he also asked if the county looked at refunding the bonds and he gave Forsyth County as an example. He mentioned he was supplied with two different proposals, and they were in the neighborhood of \$4,000,000. He said the net present value was around \$2,000,000 and he was curious as to why this board would not want to save the taxpayers \$4,000,000.

Mr. McHugh stated he previously spoke about transportation and asked why things were not included in this category. He said he picked up the Transportation Improvement Plan (TIP) and there was \$3,000,000 in it for improvements to Goza Road and there was nothing in this budget for it. He commented he just didn't understand what was going on. He mentioned one of the other things he asked for was arbitrage. He asked if there had been any arbitrage calculations to see what we were going to be losing here because of the timing of the bonds on the jail. He said there was no response and he couldn't find anything. He stated he wanted to articulate these concerns and thanked for board for letting him speak.

Chairman Dunn asked if anyone else wished to comment on the budget and no one did.

On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to adopt the year 2001-2002 fiscal year budget, including the Water System Budget and authorize the Chairman to sign Resolution No. 2001-09. The motion carried 4-0. A copy of Resolution No. 2001-09, identified as "Attachment No. 7", follows these minutes and becomes an official part hereof.

OLD BUSINESS:

ADOPTION OF RESOLUTION 2001-08 TO RETAIN FAYETTE COUNTY'S QUALIFIED

LOCAL GOVERNMENT STATUS: Chris Venice, Planning Director, informed the board that a

public meeting was held on the county's Short Term Work Program back on March 8, 2001, and at that time, the board voted to send the program to the ARC and the DCA as required for their review and approval. She stated we have received approval from the ARC and DCA for the Short Term Work Program. She asked that the Chairman sign Resolution No. 2001-08 adopting the program and that a copy be sent to both the ARC and the DCA. She commented this would effectively extend the county's qualified local government status.

Chairman Dunn explained to the audience that this was technically a housekeeping item that the board had to deal with the state to be qualified for a certain status.

Commissioner Frady commented that the county was not bound by this, it was subject to change, and he wanted everybody to know this.

On motion made by Commissioner Frady, seconded by Vice Chair Wells to adopt Resolution No. 2001-08 adopting the Short Term Work Program for FY 2002 to FY 2006, to retain Fayette County's Qualified Local Government Status. The motion carried 4-0. A copy of Resolution No. 2001-08, identified as "Attachment No. 8", follows these minutes and becomes an official part hereof.

PROPERTY AND CASUALTY INSURANCE POLICY FOR FY 2002 APPROVED FOR RENEWAL: Finance Director Mark Pullium reminded the Commissioners they had previously authorized Tom Walston of McNeary Insurance Consulting, Inc. to solicit bids for the property and casualty program. He said Mr. Walston was here tonight to present the results. He stated the recommendation was to continue the insurance in force with the same company.

Mr. Walston with McNeary Insurance Consulting, Inc. commented the first item he would like to discuss was the sheet of information concerning Worker's Compensation program. He said the Fayette County staff has been well pleased with the program that has been in force for a number of years and decided that they wanted to renew that program basically as it was. He noted the fees for our third party administration had a minimum on them of \$7,000 last year because of the number of claims that we had, and this year they have asked for \$8,500 as a minimum. He advised the excess worker's compensation, the stop loss coverage, was at a renewal rate of .142 cents per 100 dollars of payroll and was up from .129 cents. He added that this rate was good for two years. He stated in today's market these increases were very favorable in terms of what you could expect in the worker's compensation market. He said he discussed this situation with Mr. Pullium and Mrs. Boehnke, and we have ordered a renewal on this coverage.

Mr. Walston said the major part of our program was actually marketed late. He added the original recommendation from then Commissioner Bost, was to allow the existing agent to market the insurance program without competitive bidding from outside agents. He commented that at the last minute, just before April 20, 2001, Commissioner Bost changed his mind and suggested that

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he (Mr. Walston) get involved in the program and do a competitive bidding on the property and casualty insurance program. He stated he was then hired to prepare specifications which involved a number of insurance agents. He advised that he looked at an alternative program with a high deductible since there were funds available in the worker's compensation program that could have funded a high deductible. He said the long and short of it was that the high deductible approach did not make a lot of sense. He remarked two providers presented basically the program as it was expiring with a relatively low deductible. He reported that three bidders did not quote at all, an indication of the market for municipal business which was not a favorable market. He said the Saville Agency and ACCG presented low deductible quotes. He commented when the cost of losses was projected, the cost of Saville who was the current broker was \$375,874 and the ACCG was \$379,477. He said actually the ACCG premium was lower but their deductible was higher, therefore the cost was a little higher.

Mr. Walston commented on the ACCG program which led to recommendations. He stated the ACCG program did not provide any liability coverage for zoning, the defense cost in the limit of liability erodes that limit, and they do not in the existing program. He said there was no penalty for liability arising from polluted drinking water should such occur and the cost to do that would be an estimated additional \$16,000. He remarked the auto coverage for ACCG did not include medical payments coverage, but you have had medical payment losses actually paid to an inmate in a police vehicle. He stated the limit for newly acquired property was \$100,000 as opposed to the current \$1,000,000. He said the flood and earthquake limit was \$1,000,000 as opposed to the current \$5,000,000. He said the valuable papers coverage was designed last year, at his request, to provide specific coverage for the library and library books which would have been insured only if the exact books were replaced and this corrects that. He commented the electronic data media coverage was limited to \$250,000 as opposed to almost \$1,000,000 on our current program. He stated the employees' dishonesty coverage was limited to \$250,000 as opposed to \$750,000 on our presented program.

Mr. Walston said the ACCG program requires a 27-month commitment if we entered into that program. He stated a county similar to Fayette County received a \$59,000 dividend and Fayette County would not expect a dividend for five to six years. He commented that should the county leave the ACCG program during that period of time, the county should not anticipate any dividend. He said it was his recommendation that we remain with our current program and that he would be happy to answer any questions.

Chairman Dunn commented that the ACCG routinely advertises that they can do county work more reasonably than anybody and Mr. Walston has debunked that clearly here.

Mr. Walston said his opinion of the ACCG program was that it was an excellent program for smaller entities than Fayette County because they were not concerned about zoning.

Chairman Dunn remarked that as members of the ACCG, he thought it was obligatory when they come up with something and they tell us they can do better than somebody else, that we take a

hard long look at it. He said he appreciated what Mr. Walston had done for Fayette County. He said he would use Fayette County as an example when he attended another ACCG meeting and how they had better improve their coverage.

Mr. Walston said the ACCG recognizes that they need to make some changes to meet the needs of the larger entities.

Chairman Dunn stated that he liked what Ms. Wells said. He commented that he was happy to hear that the people we have been using were so competitively ahead of the people who advertise that they were the least expensive in the state. He said he appreciated Mr. Walston's timeliness and willingness to do this on short notice. He thanked Mr. Walston for his efforts.

Commissioner VanLandingham said he had one request. He told Mr. Walston if he got involved in this process again, to please show him how to expediently go through the graphs. He said he did not have a large enough table to spread them all out.

Mr. Walston replied that if insurance was not a big problem, he would not have a job. He said nobody can understand it and the best you could do was to have somebody who was a professional solely on your team.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve the request to renew the property and casualty insurance policy for fiscal year 2002 with Saville and Company. The motion carried 4-0.

NEW BUSINESS:

FUNDS APPROVED FOR IMPROVEMENTS TO THE MCELROY HOUSE: Finance Director Mark Pullium stated he was requesting funding to refurbish the McElroy House. He said the county intended to make the house suitable for occupancy by the Driver's License Examiner's office, the Fayette Factor, Children at Risk and the Coroner's office. He propose that it would be better to have the Driver's License Examiner's Office located there. He commented there had been correspondence from the State that they desire to relocate to that facility. He explained this office has created quite a bit of traffic here, especially on Thursday's when the Driver's License office was open and in some respects, it created somewhat of a safety hazard in our parking lot. He said his recommendation was to appropriate \$43,900.00 for this purpose.

On motion made by Commissioner Frady to encumber funds from the contingency account in the amount of \$43,900 for improvements to the McElroy House. Commissioner VanLandingham seconded the motion for discussion.

Chairman Dunn commented by moving the State Licensing office to the McElroy Building we will also be able to have licensing done here five days a week instead of what we have now which

was one day a week. He said this will be a great convenience for the people in Fayette County to have more than one location to go to for this and not have to drive over to Newnan if they were on short notice.

Administrator Cofty remarked that the testing division now was going to be under the Department of Motor Vehicles. He said he had written a letter to the Director of that area requesting that they provide service five days a week. He stated that his conversations with both Lt. Dennis Tucker of the Georgia State Highway Patrol and Peggy Bryant who runs the local office here, they have both indicated, based on the volume of business that they are doing, would like to move towards a five-day testing facility. He added that it may start out with two or three days.

Chairman Dunn said they will have the facility to do it and that was a big bargaining point for us to get them in here all of the time.

Commissioner Frady asked if people would still be able to renew their license in Peachtree City at the Kroger store in Braelinn.

Chairman Dunn said he believed the citizens would be able to renew their license there.

The motion carried 4-0.

APPROVE REQUEST FOR BUDGET TRANSFERS FOR FY 2000-2001: Finance Director Mark Pullium stated there were budget amendments and adjustments that related to the fiscal year 2000-2001 budget. He said there was an appropriation in this transfer of \$250,000 to transfer funds to the solid waste fund, to cover unbudgeted costs of purchasing land adjacent to the landfill site. He said, also, there was another highlight in this budget transfer request to appropriate an additional \$138,500 to cover the cost of boarding prisoners at Union City.

Chairman Dunn pointed out that these amendments were from last year's budget and there was no increase or decrease in funds, its just moving things from one category to another to close out the year and this was why he called it housekeeping.

Commissioner Frady asked Mr. Pullium if he thought the county was in a good financial position.

Mr. Pullium said he would make the comment that the county was in a good financial position without hesitation.

Chairman Dunn pointed out that the last time the board met, there were some philosophical differences and how to achieve certain goals and that was what we were dealing with there.

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Commissioner Frady commented concerning the bond situation, that the board has been trying to catch the bond correctly since about January or February so we could discuss what we would do with the bond, the one at the jail. He said you can only do this once every ten years so you want to make sure that you do it at the proper time, and when we started discussing it and making preparations to do the bond, the bond immediately turned around and went up almost to 6 percent. He said it was easing back down now and we were watching the bond and when the time came for us to do that bond, we will do it, and we will try to save the taxpayer's money. He added that sometimes these things dip down in one day and go back up so we have been fortunate in the past to catch them at a good time and he was sure this would happen again as soon as the time was right.

Chairman Dunn said there were anomalies this time that the short term debt came down with some of these fed moves and the long term debt didn't. He stated there was an inverted curve on long term debt so in some ways it went up even higher. He pointed out that the board had been in contact with the bonding people at Smith, Barney and Robinson, Humphrey. He commented that we were putting another meeting together now to meet with them and we will execute this when we think that it is best. He stated like Commissioner Frady said, we can only execute this one time a decade, and we are holding out now and if we were to do it now, we would have a much better rate than we did a couple of months back. He remarked that this was like trying to refinance your house, when was the best time, when did you lock in your rate. He said with all due respect to Mr. McHugh, "a bird in the hand was worth two in the bush"; he heard him say that many times, and that was his philosophy, get it while you can. He commented that if we took it early, we would not be in as good a condition as we are now.

Mr. Pullium informed those present that the county had hired a new auditing firm, Grant Thornton, and we met with Mr. Thornton and his associates and discussed financial issues. He said he discussed the issue of arbitrage with them. He commented that when a governmental entity borrows money, because it was a tax exempt organization, it received a favorable municipal bond rate. He said if we in turn invest that fund at a higher rate than what we were earning, the IRS states we must use that money within three years, or rebate the difference between what we earned, which may be 6 percent and what we paid for the bonds which may be 5 percent. He claimed this had to do with our tax exempt status and in no way did the county lose any money. He said this was a matter of taxation and the issue was not whether the county would have more money or whether the county would have less money, it was a matter of whether the bonds would be considered tax exempt in the eyes of the IRS.

Mr. Pullium said the misconception was that it was going to cost the county money but it did not cost the county money. He commented the county was only to have so much money and so much interest and the interest was not going to exceed the amount of interest that we are paying on the debt.

On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to approve the budget transfers as requested for FY 2000-2001. The motion carried 4-0.

APPROVAL OF REQUEST FOR FUNDS IN SUPPORT OF THE INSTALLATION OF LIGHTS AT STARRS MILL HIGH SCHOOL BASEBALL FIELDS: Mr. Greg Woodward, 354 Massengale Road, Brooks, Georgia, stated he was President of the Starr's Mill Dugout Club which was the Booster Club for Starr's Mill High School baseball teams.

Mr. Woodward commented the Dugout Club had a project underway now to light the baseball field at the High School. He said Starr's Mill was the only High School in the county that did not have a lighted baseball field. He added it was also only one of three in the State of Georgia with a Class 5A that did not have a lighted baseball field. He commented the club was trying to catch up with everybody else and get to where the club could operate a quality baseball program. He said he would like to talk to the board about why they need lights and who could benefit and then he would go over their proposal.

Mr. Woodward stated the school program could benefit from the lights. He said there were three teams that have to practice on this one field and when high school baseball started, the latter part of February until the early part of May, and it got dark around 5:30 p.m. or 6:00 p.m., this gave them about one and a half hours for the three teams to practice on one field. He added this made it really difficult but if they had lights, they could schedule practice up until around 8:00 p.m. and all three teams would be able to use the field. He stated this was the biggest reason for the request, they did not want to play just night games instead of afternoon games, but they needed more time on the field for the teams to practice. He said, also, the recreation teams could benefit from lights on this field and they could use this field during the summer. He said right now, Fayette County did not have much of a recreation program after the kids reached about 16 years old. He remarked that most of the kids had to travel out of the county to Cobb, or Fulton County once they reached 16 because the county just did not have the facilities down here for them. He commented that if he could get the field lighted, it could be used for county recreation programs such as tournaments there. He said, also, there were some adult teams in the county, that was becoming more and more popular, and we do not have the facilities for them.

Mr. Woodward reviewed a proposal that included free lighting and poles from Cooper Lighting. He said all the club had to come up with was the labor to run the wires and to have the poles set. He said the club had been working on this project for six to eight months now trying to get it down to where they thought they could afford it. He stated the bids were down from \$60,000 to \$45,625 with some donated labor. He commented club members looked at how the other schools tried to get funds for their school and they found out the other schools split the money up three ways and asked for help from the Board of Education, the County Commissioners and the Booster Club. He said the club decided to go this route also so that it wouldn't be so much of a burden on anyone.

Mr. Woodward requested that the Board of Commissioners consider giving a \$15,000 contribution toward the installation of these lights. He said he had approval from the Board of

Education for their \$15,000 and the Dugout Club had a project underway now that would be completed by the end of August and it hoped to come up with the balance.

On motion made by Commissioner Frady to approve the request for funds in the amount of \$15,000.00 from the contingency fund toward the installation of lights at Starrs Mill High School baseball field, with the stipulation that the field is available for use by the Fayette County Recreation Department. Commissioner Wells seconded the motion for discussion.

Commissioner Dunn remarked that the history of this was interesting, in that the other two high schools got into a similar situation where we provided monies along with the Booster Club and the school each provided a third. He said he would support this request. He asked Mr. Woodward if he knew why the School Board did not put lights on their baseball fields when they built them. He said the School Board did not build one football field without lights.

Mr. Woodward said he did not know why the School Board did this.
The motion carried 4-0.

CONSENT AGENDA: On motion made by Vice Chair Wells, seconded by Chairman Dunn to approve the Consent Agenda, items 1-9, as presented. The motion carried 4-0.

WATER SYSTEM FY 2000-2001 BUDGET ADJUSTMENTS: Approval to adjust the Water System's fiscal year 2000-2001 budget in the amount of \$7,000 to cover the increase of gasoline. Funds to cover this will come from the contingency account #150-5819.

BID AWARD FOR PAINT SUPPLIES FOR STRIPING ROADS: Approve bid award to Ennis Paint, Inc. lowbidder, for paint supplies for striping county roads in the amount of \$14,028.30; and award bid for glass beads to Technical Coatings Corporation in the amount of \$1,000. A copy of the bids identified as "Attachment No. 9", follow these minutes and become an official part hereof.

SIGN REQUEST APPROVED FOR FAYETTE COMMUNITY THEATRE: Approve request to erect a sign at the northwest corner of the old courthouse from June 29 - July 9, 2001, to advertise the Fayette Community Theatre's production of Annie to be held at Starr's Mill High School for three weekends beginning Thursday, June 21, 2001.

BID AWARDED TO MOW AND GROW FOR PINE STRAW: Approve bid award for pine straw to the low bidder, Mow and Grow in the amount of \$2,044.50. A copy of the bids, identified as "Attachment No. 10", follow these minutes and become an official part hereof.

GIRL SCOUTS REQUEST TO PICK UP TRASH AT LAKE HORTON PARK: Approval to allow Girl Scouts to pick up trash at Lake Horton Park the first and last Saturday in October.

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APPROVE REQUEST FROM SOUTHWEST CHRISTIAN HOSPICE TO INCLUDE THEIR PROJECT, "TREE OF LIGHT" IN MAIN STREET CHRISTMAS PROGRAM: Approve request from Southwest Christian Hospice Volunteers and Staff to be a part of the 2001 Fayette Main Street Christmas project "Tree of Light".

ANIMAL SHELTER, BID AWARDED TO METRO ASPHALT PAVING FOR PAVING AND STRIPING: Approval to award the low bidder for paving and striping of Animal Shelter parking lot to Metro Asphalt Paving in the amount of \$8,100, with funds to come from the contingency. A copy of the bids and bid tally sheet, identified as "Attachment No. 11", follow these minutes and become an official part hereof.

ROAD DEPARTMENT, BID AWARDED TO CHEROKEE CULVERT: Approval to award the low bidder, for 15" metal pipe, to Cherokee Culvert in the amount of \$7,875.00 with funds to come from the Road Department budget #142-5672. A copy of the bids, identified as "Attachment No. 12", follow these minutes and become an official part hereof.

MINUTES APPROVED: Approval of minutes for Board of Commissioner's meetings held on June 6 and June 14, 2001.

PUBLIC COMMENT:

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

There was no public comment.

STAFF REPORTS:

Attorney McNally requested Executive Session to discuss four items of potential threatened litigation and three real estate acquisitions.

Proposed Overlay Regulations for S.R. 85 South and S.R. 54 East: Commissioner VanLandingham advised that he spoke with Mrs. Zeitler in the Zoning Department this past week regarding an overlay for 85 south. He said he would like to present this evening a request that we begin work on the overlay for 85 south to prevent individual battles in the future.

Commissioner VanLandingham presented a motion that the county begin work on the overlay for S.R. 85 South. He stated this was to prevent individual battles in the future and he strongly recommended that we follow the 54 west overlay. Commissioner Frady seconded the motion for discussion.

Vice Chair Wells said she thought it was time that the county did the 85 south overlay and we need to go ahead and be consistent so that people don't have surprises whenever they walk in and don't feel that they were being treated differently than anyone else. She commented she felt this was timely.

Chairman Dunn said it looked to him like that area would be the next area of development for commercial, O-I and other such development, similar to what happened on 54 west so this was certainly a good idea to do this. He asked if there were other roads we wanted to consider and do it all at one time.

Mrs. Zeitler said it had been brought up to do Highway 54 east but she was not sure the county was ready for that yet.

Commissioner Frady confirmed that Mrs. Venice did the overlay on Highway 54. He also confirmed that some work had been done on Highway 85 north.

Commissioner VanLandingham amended his motion to include Highway 54 east overlay at the appropriate time. Commissioner Frady seconded the amended motion. The motion carried 4-0.

Open Space - Green Space: Commissioner Frady advised that he was thinking about maybe forming a committee to look into the situation that Julie Matulia brought up last week regarding open space and zonings. He said he thought at some point in time the county was going to have to deal with that and he felt the time was right to do it now.

Ms. Zeitler said she believed what Ms. Matulia was referring to something she received from the Planning Department referring to the open space/green space program that they were doing.

Commissioner Frady said he thought Ms. Matulia felt this would be something that might enhance our PUDs somewhat. He stated this would require a lot of thought and would take awhile to do and he was contemplating on whether the county should get started on this process.

Update on McDonough and County Line Road: Chairman Dunn presented an update to secure more money for road improvements to McDonough Road and County Line Road. He advised that the State notified the county it would not be able to fund the whole project and have offered to give the county \$200,000 when we needed \$700,000 to complete the project. He informed those present that right now McDonough Road was a State Road, soon to be a State Highway. He stated the DOT said they would fund the improvements for the intersection which included shaving down the hill quite a bit to improve site distance at that very dangerous intersection. He said after a meeting with Tom Coleman of the DOT, the amount was now up to \$350,000. He said the State DOT advised that they were out of money for many of the road projects around the state. He said Mr. Coleman informed him that he would have his staff contact Washington to try and get federal "safety" funds for this intersection or possibly a grant. He said it depended on how much the county could get from the State and the federal government before

the Commissioners determined whether or not to fund the rest of the job. He remarked we should not have to do it at all, but our citizens were involved in a safety situation at this intersection and even though it may be like trying to get "blood from a stone", we would try to get as much funding as possible and try to come up with some local dollars to match. He said he would bring this matter back to the board in the near future to see if we can fund this project. He commented the state was very cooperative with the county.

Williams Power Plant: Chairman Dunn informed the audience of his meeting with the Fulton County Chairman yesterday concerning the Williams Power Plant that was proposed for the Fayette/Fulton line. He remarked the citizens' groups in the northern part of Fayette County were very upset by this. He said he attended some meetings and a meeting yesterday at the ARC where he talked with the Fulton County Chairman. He stated there was a real problem in this area and as far as he was concerned, we were going to have to try everything we can do to help the people, particularly in the northern part of our county to get this huge plant moved out of its location. He added that it depended on whether the Fulton County Commission will rezone the residential land to industrial, and if they do that, then the door was wide open for the largest power plant in the country to go right on our border.

Chairman Dunn stated that some of the discussions involved with the people at Williams to date, was that Fulton County will get a lot of tax money from this plant. He said he has a meeting on Monday with their lawyers and project managers. He further said that all the pollutants will come to us and because it is a regional problem, they have to mitigate the pollutants that they will produce, and their plan was to mitigate them in Henry County. He pointed out Fulton would get the money, we get the pollution, and clean air will be provided for Henry County. He mentioned personally he was going to stay involved with this because he felt this could be a disaster for the quality of life in Fayette County. He remarked unfortunately this board was not the decision maker and he has had to tell everyone who has called him, and the group that he spoke with the other night, that it was the Fulton County Commission who would make this decision. He said he and this board would try everything they could to influence the Fulton County Commission not to do this to their neighboring county. He said this plant would be putting 500 tons of nitric oxide into the air. He stated everybody would probably be hearing things about this. He said he was considering having some public hearings so that our citizens could be heard. He said he invited some of the Williams people and his counterpart from Fulton County to meet with him here to hold public hearings. He stated we had to get this entire county organized to get these people out of there because our quality of life would suffer. He noted the people from Williams were planning on putting their plant between residential areas in Fulton and Fayette. He asked those who were interested in this to contact their congressman or legislator to try and keep it out of here.

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EXECUTIVE SESSION: *On motion made by Vice Chair Wells, seconded by Commissioner Frady to adjourn to Executive Session to discuss four legal items and three items of real estate after a five minute recess. The motion carried 4-0.*

REAL ESTATE:

The County Attorney briefed the Board on a real estate acquisition.

On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to authorize the County Attorney to proceed with the acquisition. The motion carried 4-0.

REAL ESTATE:

The County Attorney briefed the Board on a matter of land acquisition.

On motion made by Vice Chair Wells, seconded by Commissioner Frady to authorize the County Attorney to proceed with the acquisition. The motion carried 4-0.

REAL ESTATE:

The County Attorney briefed the Board concerning land acquisition.

On motion made by Vice Chair Wells, seconded by Commissioner Frady to authorize the County Attorney to proceed to acquire the property. The motion carried 4-0.

LEGAL

The County Attorney discussed a matter of potential litigation with the Board.

On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to authorize the County Attorney to proceed with this matter. The motion carried 4-0.

LEGAL:

The County Attorney briefed the Board concerning a matter of potential litigation.

On motion made by Vice Chair Wells, seconded by Commissioner Frady to authorize the County Attorney to proceed with this matter. The motion carried 4-0.

LEGAL:

The County Attorney briefed the Board on a legal matter.

On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to authorize the County Attorney to proceed with this matter. The motion carried 4-0.

LEGAL:

The County Attorney briefed the Board on a legal matter.

No action was taken by the Board.

EXECUTIVE SESSION AFFIDAVIT:

On motion made by Vice Chair Wells, seconded by Commissioner Frady to authorize Chairman Dunn to execute an affidavit affirming discussion of three real estate items and four legal items in Executive Session. The motion carried 4-0. A copy of the affidavit, identified as "Attachment No.13", follow these minutes and become an official part hereof.

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

Linda Rizzotto, 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 26th day of July, 2001.

Linda Rizzotto, Chief Deputy Clerk