

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, August 4, 2004, at 3:30 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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

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

PRESENTATION OF STORMWATER MANAGEMENT PROGRAM ANNUAL UPDATE OF NPDES PHASE II IMPLEMENTATION:

Director of Engineering Ron Salmons remarked that Assistant County Engineer Phil Mallon would be presenting a power point presentation regarding the Stormwater Management Program Annual Update of NPDES Phase II implementation. He said they would both be available for any questions that the Board might have.

Mr. Mallon remarked that the primary goal was to help protect and improve the county's water quality for us and for future generations. He said the county was working under two programs. He said one was delegated from the E.P.A. and that was the NPDES permitting. He said the second program was a local program out of the Atlanta metropolitan area and that was the water district. He said they had put together six model ordinances for the county to adopt. He stated the majority of his presentation regarded the NPDES issues. He said at the end of the presentation he would compare that to the water district.

Mr. Mallon remarked that the NPDES was a fancy acronym for the National Pollutant Discharge Elimination System. He said this was an old permitting program that E.P.A. used to regulate what could go into the county's water. He said this controls stormwater as well as wastewater. He remarked that this was derived from the Federal Clean Water Act in 1972 with recent amendments in 1990. He commented on what this meant for the county. He said the county was considered a small MS4. He said this meant that the county was subject to a general permit and this was very similar language to other counties and cities in the Atlanta area as well as throughout the Nation. He said the permit that the county was currently operating under began at the end of 2002. He stated that

the county's first step was to create a stormwater management program which was called an NOI. He said that was first submitted to the State for review in early 2003. He remarked that approximately ten months later they came back with comments and the county responded to those comments and resubmitted a new plan in April, 2004. He said he was expecting, based on talking with other cities and counties, that the county would get a second set of comments to address some time next week or next month. He said in the meantime he was proceeding with implementation following the schedule set in the plan. He said the county must be in full implementation by 2006 and at the end of 2007 the whole process starts over again with a new permit being issued. He said hopefully this would be very similar to the existing permit but that was E.P.A.'s opportunity to tighten this up a little bit.

Mr. Mallon further remarked on the key principles of the permit. He said in his eyes the county would not have to do sampling. He said the county did not have a water quality criteria for bacteria and sediment that the county has to demonstrate compliance with. He said some of the larger governments such as Atlanta and Fulton County have to do sampling and demonstrate water quality standards. He said instead the county must define a series of best management practices and describe how these would be implemented and then document that this was being done. He said the E.P.A. and the permit had set six minimum standards and he would discuss each one of those with the Board. He said a key phrase taken from the Code of Federal Regulations was to reduce or eliminate the pollutant loads to the creeks and rivers to the maximum extent practical. He said this would give the county some leeway to take economics into consideration when setting up the plan.

Mr. Mallon remarked that for each of the six topics he would have a bar listed at the bottom in a combination of red and gray showing the approximate percent complete. He said this was a combination of a little bit of subjectivity. He said he had tried to weight this with measurable parameters where possible.

Mr. Mallon remarked on the first program. He said this was really geared toward educating the citizens and giving them opportunities to learn about what the county was doing and why. He said the goal was to increase public support for the program and therefore increase compliance with it. He said the county was fortunate in that the Director of the Extension Service Sheldon Hammond had existing programs that already met most of these requirements. He said Mr. Hammond was having to add one or two new programs but it was largely built by existing programs and very little if any dollar increases. He remarked that Mr. Hammond's office was involved in school programs, residential yard maintenance, non-point source pollution, septic tank maintenance, water conservation and illicit discharge and waste disposal.

Mr. Mallon remarked on the second control measure which was what he was doing today. He said that was keeping the Board and the public apprised of what was being done. He said these type of annual updates to the Board were required. He said another idea for this that he had been thinking about was the possible formation of a citizen advisory board. He said he was aware of the valuable expertise in the community that may have some good additions on what the county should be doing with the plan. He said another activity under this program was a curb marking. He said this was not specifically required although it was encouraged and would give the county an opportunity to involve middle school and high school students to be involved. He said he would like to try this in one or two subdivisions and see what response they receive from the homeowners there. He said he could then decide if this should be done on a larger scale or not.

Commissioner Wells asked Mr. Mallon what the purpose of this was. She asked what the purpose was for the marking on the curb.

Mr. Mallon responded it was a little bit of a feel good item but also to make people aware that the curb inlets do go directly to the county's creeks and not to some type of sewer system. He said he definitely had evidence that in the area that people frequently use these as oil shoots and so forth. He said he agreed that most people did know the purpose of a curb inlet already.

Commissioner Wells interjected that if people did not know they probably would not understand this marking anyway. She asked Mr. Mallon if there was a cost attached to number two.

Mr. Mallon replied that there was some money allocated for that but he could not recall if it was \$500 or \$1,000 to purchase some of the marking devices. He said these would cost approximately \$1.00 each and if there was an acrylic protector finish it would cost a little more.

Mr. Mallon remarked on the third program. He said he wanted to give two definitions to the Board. He said the first was illicit discharge. He said there was a formal definition and it meant anything other than stormwater that gets into the MS4. He said the second definition regarded MS4 and those included the streets, curbs, curb inlets, pipes, culverts, ditches and anything that would convey stormwater as its primary function. He said the county had the opportunity to make some exceptions to this and was actually encouraged to do so. He commented on runoff from fire fighting activities. He said this could be exempt as being illicit discharge. He said foundation drains, the draining of swimming pool water if dechlorinated, and condensation from air conditioning units were things that would probably be exempt. He said there was the issue of washing a car in a person's driveway on a Sunday afternoon being an illicit discharge. He said there was the question of whether this was different from a commercial car wash operation that goes from location

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to location and washes cars in a parking lot. He said these were types of things that staff would have to address and make a decision on one way or the other.

Mr. Mallon further remarked that the illicit discharge program had four steps. He said the first was for the county to inventory or map exactly what was in the county. He said this would be limited to what was considered urbanized area. He said once that was done he would bring the Board in the next month or two an illicit discharge ordinance that would prohibit discharge and give the county the enforcement authority.

Chairman Dunn asked Mr. Mallon how he defined an urbanized area in the unincorporated county.

Mr. Mallon replied that it was a set population of a minimum of 1,000 people or so in a limited area that would result in a certain density. He said this was done by the U.S. Census and this had been defined by the Census. He said this was mostly North of Fayetteville and a little Southeast of Fayetteville in the unincorporated area. He said an extreme example that was found sometimes was that somebody might put in a detached garage with a bathroom and run the line to the county's sewer system in the front of the house instead of to their septic tank. He said this was one of the things that staff would be looking for during this inventory process. He said that developing the map would be an expensive and time consuming task. He said staff had decided after some debate to do this in house. He said the cost estimates that he had received from consultants ranged from approximately \$70,000 for the bare bones up to \$1.6 million for the fancy inventory of everything in the county modeling that work. He said staff had purchased the equipment necessary, trained themselves on the use and were approximately 5% done with the inventory process right now. He said according to the plan, the county must be 50% done by March, 2005 and 100% done by March 2006. He said he felt confident that the county could meet that schedule.

Chairman Dunn asked how many man hours it would take in order to complete the inventory.

Mr. Mallon replied that it would probably take approximately 500 to 1,000 hours for the inventory work. He said they were trying to work this in a few hours each week. He said once staff received the final comments from the E.P.D. then staff would attack this a little more aggressively.

Mr. Mallon remarked that the Board had adopted an ordinance that was approved at the end of February, 2004. He said one of the biggest changes was that this reduced the minimum lot size from five acres to one acre. He said the county was a local issuing authority. He said this meant that the county would review plans, approve plans and perform an in field inspection and enforcement for erosion control. He said there were

very little if any new costs. He said over time staff would have been working internally to tighten up documentation and record keeping procedures.

Mr. Mallon said it was hard to overemphasize the importance of sediment. He said in most areas of the country many studies had concluded that it was the number one pollutant source that must be dealt with. He said not only did it clog up waterways that results in flooding but it was also a transport mechanism for a lot of other pollutants that would adhere themselves to the sediment particles. He said even with good measures the rate of sediment loading from a construction project was easily more than 100 times in an undisturbed area. He said effort in these areas was energy well spent.

Chairman Dunn asked how staff was doing with the civilian construction firms in making them comply.

Mr. Mallon said he felt in general there was always real good and real bad. He said for the most part they were doing a good job in complying. He said some of the new developers were not familiar with the process and there was a learning curve.

Mr. Mallon said the next program was stormwater and of the six programs this was the biggest one in terms of time, dollars, legal and technical issues. He said it had two main issues. He said first was the new ordinance that he would be bringing to the Board this Fall. He said it would establish water quality criteria. He felt the county had done a good job of having quantity management. He said Fayette County required very conservatively designed large ponds that really help large flood events. He said now the county was going to force developers to put in quality controls. He said these newer ponds would require much more diligent maintenance and inspection. He said somehow the county would have to ensure that privately owned control measures were maintained. He said this could be done through a stormwater utility or by putting that burden on the private sector.

Commissioner VanLandingham said he had a question regarding detention ponds. He said there were several where it was questionable who owns those detention ponds and noted that these ponds were in ill repair. He said some of these ponds did not meet current standards and some of them had more foliage growing in them than in the yard. He asked how the county would identify and correct the neglect that these detention ponds had been given.

Mr. Mallon replied that staff would identify them through the mapping that was being done as part of the illicit discharge. He said that was one advantage to the creation of this map. He said staff should come across every pond that was out there, document it and assess its condition. He said the current regulations do not give staff the authority to go into an existing subdivision and tell them that the pond needed to be cleaned up. He said if that

pond resulted in damage to downstream property owners then the downstream neighbor would take them to court and force them to clean it up but it was not a county responsibility right now. He said this ordinance would change that for a new development but still not address an existing pond. He said that would be more of a civil matter and not necessarily a county matter unless it was in the county right-of-way.

Commissioner VanLandingham said if there was a pond out there that nobody knew who owned it and the county required them to put in a detention pond. He asked what would happen if no one owned this pond anymore.

County Engineer Ron Salmons responded that generally all of the ponds had been put on private property. He said whoever owned the private property did own the pond whether they realized it or not. He said that was generally over the years how property had been developed here in Fayette County. He remarked that the county had only maintained the drainage facilities on the county's right-of-way and the maintenance of those had been the responsibility of the property owners. He said whoever owned the lot also owned the pond located on that property.

Commissioner Frady asked what would happen if the lot was deeded over to the homeowners association.

Mr. Salmons replied that the homeowners association would own the pond.

Chairman Dunn remarked that most builders deed the property over to the homeowners association. He said the second most common thing was that the homeowners association pays no attention to it.

Commissioner Wells commented that in many cases this pond was on private property and the homeowner was paying taxes on this property but did not use that portion of the property because there was a utility easement.

Mr. Salmons said this was the way the county had been developed over the years. He said this particular ordinance that staff was bringing forward would address new developments. He said staff had not attempted to address the issue concerning older developments. He said Mr. Mallon had reviewed several of the pros and cons. He said if the Board went with stormwater utility then one would be looking at that type of maintenance of taking both new and old. He said if one went with the homeowners associations then it would only apply to new developments going forward.

Commissioner VanLandingham felt that there were still going to be some retention ponds where the ownership was going to be disputed.

Attorney McNally remarked that the last recorded deed was going to establish who does own the property and the pond. He said some of these ponds were attached to lots within the subdivision and some of them belonged to the homeowners association and some were the result of builders forgetting to deed the pond off.

Commissioner VanLandingham said it was going to be un-American to require one homeowner to foot the bill for the entire subdivision. He said he was not in favor of doing that.

Commissioner Frady interjected that the E.P.D. may force the county to build these retention ponds.

Attorney McNally remarked that the first thing that the State had told the county was that the county needed to be interested in these things and to take action on them. He said it would be interesting to see where the State takes the county in the next step.

Commissioner VanLandingham remarked that there were detention ponds in the city that discharge into the county. He asked if the county was going to have any collaboration or any regional regulations that cover this. He said there was no way the county could tell the city to do this.

Mr. Mallon replied that the cities have the same requirements that the county has. He said the cities were probably looking at the same model ordinance as the county. He said he thought they had already adopted this.

Commissioner Wells said the cities had already adopted this.

Mr. Mallon pointed out that the ordinance as interpreted would apply only to new ponds or redevelopment. He said if there was an existing pond out there it would not force that property owner or that community to bring this up to current standards.

Chairman Dunn remarked that this was probably going to be the largest unfunded mandate in the history of Federal and State government.

Chairman Dunn asked if the county staff would be inspecting the older ponds.

Mr. Mallon replied that as part of the inventory process staff would tag the ponds as to whether or not they need immediate maintenance or was it alright and did not need maintenance. He said the focus would be on new development.

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Commissioner VanLandingham said it seemed to him that the new ordinance was saying that the county wanted clean water in the new development and it did not care about the old development.

Chairman Dunn said the ordinance certainly implied that all of these needed to be cleaned up.

Mr. Mallon interjected that it was a fine line as to what could legally be done and the cost.

Chairman Dunn remarked that this was one of the five model ordinances that the county had received from the North Georgia Water Board. He said the county had no choice but to comply with them.

Mr. Mallon said he would like to give the Board his thoughts on a stormwater utility versus putting the burden on the private sector. He said by no means was this a comprehensive list. He said with the utility it would obviously be a higher level of service to the citizens and would be similar to a water and sewer authority. He said citizens could call somebody and something could be done about any problems. He said this would also give the county the means to address some problematic areas. He said there were areas that were susceptible to flooding or a pond that desperately needs attention. He said this would give the county the means of addressing that situation. He said by putting the burden on the private sector and forcing new subdivisions to have a legal entity for their homeowners association and having them contractually bound to inspect, update and maintain their ponds, this would avoid an increase in government size. He said the department might possibly add one or two people to help with paperwork but there would not be a lot of field work. He said to him this was a fairer way of distributing cost. He said it made sense that if there were any costs associated with a pond in a new development that the homeowners pay the bill and not citizens in a different part of the county who would have no relationship with it. He said by keeping this in the private sector it would also allow better use of the private sector expertise to adjust problems versus what may be a relative small division in the county.

Chairman Dunn said the problem would occur with maintenance of the ponds over a period of time. He said the developer would put the price of the stormwater practices into the cost of the homes. He said the problem would occur afterwards and who would maintain them, keep them clean and keep them functioning.

Mr. Mallon said he did not have an answer for that. He remarked that Douglas County had taken the private sector approach and created the legal paperwork that binds the homeowner association to perform the required maintenance.

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Commissioner VanLandingham interjected that not all new developments have a homeowners association.

Mr. Mallon replied that the county would have to require that as part of this new ordinance. He said there was a lot of legal work involved.

Chairman Dunn asked if the county goes with the private sector approach would it find itself in litigation every five minutes. He noted that there were a lot of homeowners associations in the county who after a few years had disbanded and were no longer.

Mr. Mallon remarked that even if there was a homeowners association it was more likely that the people in those associations would not care very much about stormwater nor understand it and it would be an uphill battle telling them that they must comply with the regulations. He said this would be a continual challenge by putting this on the private sector.

Chairman Dunn said this was a huge mandate placed on the county with absolutely no money associated with it.

Mr. Mallon said it was important to remember that even if the burden was put on the private sector, it was still the county's permit. He said the county would still be responsible. He said the E.P.D. would still be coming to the county if they feel like the county was meeting the intent of the requirement.

Commissioner VanLandingham felt it was kind of foolish to put the responsibility on the homeowners when the county held the permit.

Mr. Mallon said that was a decision that would have to be made. He said there would be drawbacks on creating a utility. He said there would be a large cost and a tax or rate structure would have to be set up.

Chairman Dunn remarked that it was clear that the burden for the regulation was purely on the government including the cities and the county.

Mr. Mallon interjected that this was a cost that a developer would have to learn.

Chairman Dunn said the key here was that the standards were not the way they were when these developments were built.

Mr. Mallon remarked that the county would not be making an existing subdivision come up to meet standards. He said this applied to only new developments.

Chairman Dunn remarked that the county would have to determine what would be done when these developments were in violation. He said every one would have to be reported on.

Mr. Mallon said with the county developed the way it was, it was very easy for him to picture a utility in a city. He pointed out that in the county there were large lots in the southern portion of the county that might have a ditch by the side of the road and that would be all. He said there might also be relatively short sections of pipe that serve two or three property owners. He said there was a very mixed level of development and it would be difficult to convince someone with fifteen acres in Brooks why they need to help fix a pond problem up in someone else's subdivision. He said the stormwater utility may set unrealistic expectations for flood control. He said the public might come to expect a level of service that just was not feasible to provide.

Chairman Dunn said a decision would have to be made as to who would pay for this. He asked what the county administrative complex currently paid as its share of the City of Fayetteville's established stormwater utility. He said this was based on the amount of acreage the county has and the amount of impervious surface on that acreage.

County Administrator Chris Cofty replied that it costs approximately \$1,000 per month.

Chairman Dunn remarked that this was for county property at this location and the property over by the courthouse costs \$12,000 per year. He said there was nothing that the City could do about this. He said the City was required to establish the rates. He said every homeowner in the City was paying a couple of dollars each month for this too.

Mr. Mallon said he and Mr. Salmons would be glad to provide the Board with any information that was required to help the Board come to a decision.

Mr. Mallon remarked on the last issue regarding the stormwater management program. He said this was simply telling the county to take a look in the mirror. He said if this was going to be required of the private sector then the county's structures must be maintained correctly. He said the county would have to look at its day to day operations and how they potentially impact water quality. He said staff would be inventorying all of the county structures that it owned and operated. He said this was currently being done. He said staff would do a quick assessment of each one and decide what needed to be in the plan and then produce a comprehensive pollution prevention plan. He said documents would be brought before the Board for review and hopefully approval. He said that step was necessary because there may dollars associated with that. He said an example might be the Road Department facility located on McDonough Road. He said it would probably be determined that this facility would need more of the operation undercover and less

susceptible to stormwater. He stated that the overall goal of the program was to reduce pollutants to the maximum extent practical and protect water quality.

Mr. Mallon said there were at least six model ordinances that they were strongly encouraging the county to adopt. He said the top three either already have been or will be adopted as part of the NPDES permit. He said the bottom three were independent of NPDES. He said two out of these three closely match existing ordinances. He remarked that the county's watershed protection ordinance satisfied a lot of the requirements. He stated the flood plain management had a little bit of new significant language and most notably it would require the county to develop a new set of flood maps based on theoretical ultimate build out and then restrict development in that flood plain. He said he and Mr. Salmons had a lot of reservations about this. He said they believed that a combination of the county's existing flood plain ordinance, watershed protection and erosion control substantially meet the intent of these model ordinances.

Chairman Dunn said as a member of the Board that approved this that this was the most debated item in it. He said the flood plain in Fayette County would be determined by the amount of development in the county and where. He said if the county refused to let people build on property right now because there might be a flood plain there in twenty five years, it would be considered unlawful.

Mr. Mallon said the watershed protection ordinance establishes a buffer off of the one hundred year flood plain. He commented that if the county did not adopt this ordinance or something at least as effective the county might become ineligible for State grants or loans for stormwater related projects. He said the county could potentially lose funding options.

Chairman Dunn said the county had a permit that was going to become very active soon. He said the county was building another reservoir and it would have to meet all of the regulations.

Mr. Mallon remarked that the storm sewer map must be finished, the illicit discharge ordinance adopted and the stormwater ordinance adopted. He said staff must determine how privately owned property was going to be maintained in terms of stormwater management. He said county stormwater structures would also have to be maintained. He said there would also have to be a pollution prevention plan for county facilities and also determine any changes that might need to be made to the flood plain and stream buffer protection requirements.

Chairman Dunn asked Mr. Mallon if he was meeting with the cities to make sure that what the county was doing was compatible with what they were also doing.

Mr. Mallon replied that he had not actually sat down and met face to face to specifically discuss this but he had talked on the phone quite a bit with Peachtree City and Fayetteville. He said he believed he understood what the cities had and how it compared with the county.

Chairman Dunn remarked that there were many streams and major water sources that define the boundary between the city and the county. He said those water sources of both entities would have to work on the same source. He said a lot of work was being done by the city upstream from there to put a small retention pond on Whitewater Creek.

Mr. Mallon stated that the E.P.A. encourages joint efforts for stormwater utilities or to handle problems knowing watersheds do not follow political lines. He said in some of the counties including Rockdale, Newton and Walton were in the process of trying to form a joint stormwater authority. He said there were opportunities there but there was a lot of political hurdles.

Commissioner VanLandingham commented on the decals that would be placed on the curb drains. He said they looked good but he did not feel this would tell people what they needed to do or not do. He suggested a simple stencil on the drain alerting people not to deposit anything other than water. He felt this would be much more effective. He also questioned the illegal discharge of people building shops with a sink in them and then running a line out into their yard. He said he saw very little difference in that and a well house with a facet on the outside. He said he washes his hands with hand cleaner and goes outside and washes them off. He said there was no difference in the two.

Mr. Mallon said he was specifically referring to people who actually tie in their drain line to the sewer or storm drain.

Commissioner VanLandingham said if the county started looking at trying to prohibit things such as this, then the county would have an ordinance that was going to be impossible for the marshals to monitor and enforce. He felt the ordinance should be as simple and straight forward as possible.

Commissioner Frady remarked that the E.P.D. would fine a person for putting a sink in and running the line outside because that person would be depositing phosphates out there.

Chairman Dunn thanked Mr. Mallon for his presentation and Mr. Mallon remarked that he would be coming back to the Board during the next six or seven months.

CONSENT AGENDA: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED 5-0.

KENWOOD PARK PHASE I - MALLETT CONSULTING: Approval of Mallett Consulting for construction staking for Kenwood Park Phase I development in the amount of \$35,200. A copy of the memorandum, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

RADIO WATER METERS: Approval to purchase 864 radio water meters from Badger Meter in the amount of \$136,468.80. A copy of the memorandum, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

SIXTH JUDICIAL ADMINISTRATIVE BUDGET: Approval to reduce Circuit Court Contract Services by \$8,579.77 due to reduction in overall Sixth Judicial Administrative Budget for FY2005. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

BURKWOOD PLANTATION - WATER LINE: Approval to reimburse the developer of the new Burkwood Plantation \$7,197.00 to continue the 20-inch water line for future use. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

LAKE PEACHTREE: Approval to place 625 Triploid Grass Carp in Lake Peachtree to improve the water quality. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

Commissioner VanLandingham asked Water System Director Tony Parrott if the Triploid Grass Carp were sterile and Mr. Parrott replied yes.

MOTORIZED CARTS - APPROVED FOR USE ON SPECIFIED PUBLIC STREETS: Approval of the specified public streets in the New Haven Subdivision, Timberlake Subdivision, The Chimneys Subdivision and MillPond Manor Subdivision to be authorized for the use of motorized carts per Ordinance 95-10. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

ENVIRONMENTAL FEES APPROVED: Approval of the new Environmental fees approved by the County Board of Health on July 13, 2004. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

PLANNING DEPARTMENT - AUCTION ITEMS: Approval to send outdated computer equipment from the Planning Department to the County Auction. A copy of the request,

identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

FIREMAN'S FUND HERITAGE - THERMAL IMAGER: Approval to accept a grant in the amount of \$12,200 from Fireman's Fund Heritage for the funding of a thermal imager. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

FLAT ROCK A.M.E. CHURCH: Approval of Proclamation for 150th Anniversary of Flat Rock A.M.E. Church. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on July 22, 2004.

PUBLIC COMMENT:

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

There was no public comment.

STAFF REPORTS:

INTRODUCTION OF NEW DIRECTOR OF ANIMAL CONTROL: Director of Public Safety Jack Krakeel introduced the new Director of Animal Control Miguel Abi-Hassan. He remarked that Miguel had spent the vast majority of his adult life in animal care and protection both in national wildlife parks in Venezuela as well as in the Florida Keyes and most recently as the Executive Director of the Portage County Animal Protection Facility in Portage County, Ohio. He also remarked that Miguel spoke five languages.

Miguel remarked that his plan over the next few years was going to be to fill the large shoes that Bill Newman left behind. He said animals had been his number one priority in life. He said he had decided very early in his life that he wanted to pursue a very aggressive career in animal welfare. He said Fayette County had followed and pursued wonderful steps in advancement and he hoped to continue to do so and make sure the citizens of this county were being served as properly as they could be.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss three legal matters.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to adjourn to executive session to discuss three legal matters. The motion carried 5-0.

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LEGAL: Attorney McNally and Judge Fletcher Sams reported to the Board on a legal matter.

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

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

The Board took no action on this matter.

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

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Executive Session Affidavit affirming that three legal matters were discussed in executive session. The motion carried 5-0.

A copy of the Affidavit, identified as "Attachment No. 11", 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 5:00 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of August, 2004.

Karen Morley, Chief Deputy Clerk