

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, April 13, 2006, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Robert Horgan
Peter Pfeifer

STAFF MEMBERS PRESENT: Chris Venice, 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.

RECOGNITION OF THE FAYETTE THRIFT SHOP:

Chairman Dunn read and the Board presented a Proclamation to the volunteers of the Fayette Thrift Shop recognizing them for their donations of time, money, services and moral support to the community. A copy of the Proclamation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

PROCLAMATION FOR NATIONAL RED HAT SOCIETY DAY ON APRIL 25, 2006:

Commissioner Wells read and the Board presented a Proclamation declaring April 25, 2006 as Red Hat Society Day in Fayette County. A copy of the Proclamation, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

RULES FOR PUBLIC HEARING:

Commissioner Wells explained the rules for the process for the two items listed under public hearing on tonight's agenda. She said the petitioner would come forward and make the petition and then if there was anyone else in support they would then have the opportunity to come forward and speak. She asked that anyone speaking tonight to please sign their name on the sign in sheet at the podium. She said once the petitioner was finished, the Board would ask if anyone was present to speak in opposition. If there was anyone wishing to speak in opposition they would have the right to come forward and to explain their issues. She said the item would then come back to the Board for action. She said the second item under public hearing was a discussion to request that old Highway 138 be opened. She remarked that the format would be just a little bit different for that item. She said under this portion the side in favor and the side in opposition would each have twenty minutes to speak. She said this would include everyone speaking in favor of opening the highway up for through traffic and everyone speaking in opposition of opening the highway up. She said each side could use this time in any manner that they wished.

She said the twenty minutes could consist of one presenter or ten or however they wished to proceed. She said the Board would ask everyone to stand who was in favor of this request. She stated that the presenter would then come forward and identify themselves and have the presentation. She said after the twenty minutes was up, the Board would then listen to the other side of the issue and they would have a total of twenty minutes for the presentation. She said once each side had finished their presentation, the Board might have questions. She said the Board would ask that all questions and comments be addressed to the Board of Commissioners and not toward somebody else. She said once the presentation part was finished, the request would come back to the Board of Commissioners for discussion. She said this was an item that did not require any action tonight but merely a matter of public hearing and action may or may not be taken.

PACKAGED WINE SALES LICENSE FOR 92 MINI MART/GEO. H. GREEN OIL, INC.

Planning Commission Secretary Robyn Wilson stated that this item was for consideration of a Packaged Wine Sales License for 92 Mini Mart/Geo. H. Green Oil, Inc., 1493 S.R. 92 North, Fayetteville, Georgia with William P. Wyatt, Sr. and Edward C. Wyatt, Co-Owners, and John T. Bushaw, Applicant. She said this property was located in Land Lot 256 of the 13th District, fronted on S.R. 92 North, and was zoned C-H. She said this request was to add Wine Sales to the Beer Sales which was approved by the Board of Commissioners on March 23, 2006. She pointed out that this item had been readvertised to add the wine package sales license. She said the applicant was present if the Board had any questions.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the packaged wine sales license for 92 Mini Mart/Geo. H. Green Oil, Inc. The motion carried 5-0.

DISCUSSION OF A REQUEST THAT OLD HIGHWAY 138 BE OPENED FOR THRU TRAFFIC: (This item was tabled from the March 23, 2006 Commission meeting)

Chairman Dunn remarked that the first representatives to speak would be the ones from Shenandoah Subdivision.

Sharon Nixon remarked that she was the President of Shenandoah Estates Homeowners Association and also a director of the Association. She thanked the Board for allowing them the time tonight to present this very significant safety issue that was affecting this community. She asked all residents of the Shenandoah Estates to stand so that the Board could see their support. She remarked that old Highway 138 had been closed and as a result of that there were several safety issues that were facing the community. She said tonight they would be presenting those issues to the County Commission and hoped that the Board would understand the gravity of the issues and be in support of a resolution that

would provide safety for this community. She said she would now turn the discussion over to Mignon Allen for her presentation.

Mignon Allen remarked that she was a member of the Board for Shenandoah Estates Homeowners Association. She said she would like to give the Board an overview of Shenandoah Estates and the issues involved. She said she would also like to review the Highland Hills request from 2002 and highlight some of the key issues that were raised that led to the actual road closure. She said she would also like to review in detail the Board of Commissioners' discussion that took place that led to the decision to close the road. She said she would also like to discuss the actual Board actions that were taken and the lack thereof of public input data and analysis and other information that led to that decision. She said she wanted to present the Board with some of the present conditions and concerns that were affecting the Shenandoah community and hoped the Board would take those into consideration tonight. She said the entire Shenandoah community would like the Board to take new action this evening based on this new information that would be presented tonight. She referred to attachment "A" and said this was a copy of the PowerPoint presentation that she would be presenting. A copy of the presentation, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. She also referred to attachments "B" through "H". A copy of these documents, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

Ms. Allen remarked that Shenandoah Estates was part of Fayette County and was a community located at S.R. 138 and old Highway 138. She said the community consisted of 59 single family homes and development was completed in 2004 with 100% owner occupied and was predominantly an African-American and Asian community. She said beyond that this was a diverse community of retired, elderly as well as young working parents with children. She said this was a diverse community with many different needs for safety, emergency services, transportation, mobility and access. She asked for the Board to take this into consideration. She said it was her understanding that previously Highland Hills made a request to the Board to close the road and install a cul-de-sac. She said the rationale that was presented was that Shenandoah Estates was going to consist of 66 homes. She pointed out that there were only 59 homes there. She said there was also discussion that Highland Hills Road and Highland Drive were dangerous, narrow and winding and not wide enough for two way traffic with sidewalks and shoulders. She said at the same time the street was used for playing, walking and biking. She said that was contradictory and inconsistent. She said the residents were also willing to donate land to build a cul-de-sac to close the road. She questioned if the issue was playing, walking and biking safely then why not donate land to widen the road and bring it up to par and install sidewalks instead of closing a viable road for connectivity and access for the community that clearly was acknowledged that it was coming and was going to have needs for its children and for its community. She said the rationale continued to discuss that school buses would enter Shenandoah from S.R. 138 and old Highway 138 and service the children. She said the community had never been provided services inside the community and the children had to be picked up at the old Highway 138 and Highland Hills Drive bus

stop. She said the discussion was that there would be school bus service in this community but this had never come to pass. She said additional school buses would be required to serve Shenandoah. She remarked that this community had never been allowed to be established in the first place to determine what the neighborhood was going to be comprised of and how many students and what their school bus service needs would be. She said the Highland Hills residents were willing to donate land for the road closure. She suggested that other transportation improvements be explored and donation of that land to address the issues at hand.

Ms. Allen further remarked that the minutes from the Board of Commissioners' meeting where this was previously discussed stated that emergency service was not consulted prior to this decision being made. She said there was no assessment of how the closure of the road would impact emergency services, fire services, safety services or any type of vehicular access to the community at all. She said the discussion continued and the Public Works Director was consulted about his opinion on the road closure. She said Mr. Hearn stated that it was anybody's guess about the trips that might be generated by Shenandoah but that he believed that the vast majority of citizens would go to work North and in fact this had turned out to be the case. She said they did not impact the community to the West. She said Mr. Hearn did not feel that 59 lots would generate an enormous amount of traffic to warrant such a road closure that this particular location was in fact a tricky little spot as he described it with a deep ditch and a steep bank with exposed rocks. She said this was in fact their school bus stop for the young children. She said Mr. Hearn went on to say that there were a number of reasons why he did not support the road closing and that Shenandoah Estates would only have one access point. She noted that accident reports indicated that there had been a series of accidents that had occurred on S.R. 138 and have essentially trapped the Shenandoah community having no access in or out of the community. She said Mr. Hearn had indicated that the cul-de-sac would force Shenandoah residents with no choice at all but to exit out onto Highway 138. She said this highway was an extremely busy road and had over 7,000 trips of daily traffic. She said it was also extremely difficult when turning left but this was the only choice that the residents had been provided. She said since that time Chairman Dunn had approached their community and had provided a mechanism for discussion and a forum for problem solving and decision making. She said at this time in 2004 Chairman Dunn stated that there was the potential for more land to be developed wherein there were no additional phases planned for Shenandoah and it was complete. She said there was a creek behind the subdivision and a subdivision adjacent to them.

Ms. Allen further remarked that Chairman Dunn had made some comments about solving the problem quickly before Shenandoah residents moved in. She said it was said that the problem should be handled quickly and solved before Shenandoah residents moved in and there was more development. She said this in fact had denied the residents input on a decision that was going to gravely impact the residents. She said the decision was hastened and there was a rush to decision making with no data and no analysis and no consideration of the potential impacts on the community. She said there had been a

unanimous vote by the Board at that time and at that meeting without any data and without any studies did not have any community there and did not have any traffic counts. She said there was no data regarding traffic speeds, information on closing the road, emergency vehicle access, elderly, children and the decisions and impacts that were made with a 5-0 vote to continue with the review of this issue to design and construct a cul-de-sac. She said shortly thereafter in October of 2004 Attorney McNally came before the Board and stated that it would behoove the Board to determine whether or not to close the road. She said Attorney McNally was aware that residents of the adjacent community stated that Shenandoah Estates should not be permitted to get used to using the road. She said with no further consideration, no reports, no investigation, no quantitative data or analysis, the Board voted to proceed with the closing immediately.

Ms. Allen said this meant that under the current conditions there were fourteen families with school age children who attend North Fayette Elementary, Black Rock Middle School and Sandy Creek High School. She said the residents had been seeking a resolution to this situation for the last six to nine months. She said there had been a series of community meetings to determine the community's concerns and needs with respect to the road and bus stop conditions. She said they had reached out to the community and had consulted with public works, public schools and Chairman Dunn about these concerns. She called the Board's attention to the cul-de-sac and the location of where the children have to cross and get on the bus. She said there was a large planter that had been put in the road where these children stand between 6:30 a.m. and 6:45 a.m. to catch a 7:00 a.m. bus. She said there was a narrow opening on the concrete planter that these children had to walk through at the beginning of the school year in order to get on the bus. She said there were abandoned cars in the cul-de-sac as well as piles of mulch, trash, and illegal tire dumping. She said the residents, parents and taxpayers expected fair and equitable access to emergency services. She said they felt this quality of services should not be impeded or degraded by an artificial road block. She said the bus stop conditions were unsafe, deplorable, had not improved and were not acceptable. She said the residents could no longer tolerate this condition. She said the residents were asking for old Highway 138 be opened to provide more than one option for vehicular access in and out of Shenandoah Estates. She said they have had community members very much concerned about their ability to get in and out of the subdivision. She said there was a fire on old Highway 138 at a business nearby. She said the residents could not get out of the community and she asked that the Board take this into consideration.

Ms. Allen further remarked that the residents also had additional concerns. She said they were concerned that the transportation decision making was inconsistent with the spirit and intent of Federal policies that say that communities need adequate opportunity to have input and meaningful involvement in transportation decision making. She said this community had a heavy concentration of minorities. She asked why there had not been any sensitivity given or why there was a rush to judgment before the community was allowed to be established. She said beyond that there were Board of Education concerns. She remarked that the Board of Education was refusing to access the community because

they were not going to take a left out on S.R. 138. She said this would be an extremely dangerous situation. She said Mr. Jennings who was the Director of Transportation for the Board of Education stated that he had reviewed the bus routes for this area and turning left out on S.R. 138 would not be something they would support doing. She said the Department of Transportation rules indicated that there needed to be a review of bus mileage being reduced as well as excessive stops and every effort made to avoid routing buses across major express ways and arterioles like S.R. 138. She asked that the Board consider the requests made by the Shenandoah community and the impacts on this community. She said she hoped that the information she had provided the Board tonight was possibly information that the Board did not have in 2002 when the decision was first made to close this road. She said the residents were imploring the Board to reverse that decision and open the road to free traffic to access mobility for the Shenandoah Estates community and also for the safety of the residents and students.

Commissioner Wells remarked that there was five minutes left for this presentation and the President of the Homeowners Association stated that several residents would like to speak in that five minutes.

Deborah Scott remarked that she was a member of the Board for Shenandoah Estates Subdivision. She said her child was an honor and gifted student at Flat Rock Middle School. She stated that she lived more than one mile from the bus stop and was the very last house in the subdivision. She said most of the children in the subdivision that attend middle school were girls. She said if these girls were allowed to walk to the bus stop, they would be walking in a dark alley where there was a known chop shop in that same area. She asked the Board of Commissioners for the same consideration that they would want for their children and that would be to open this road.

Erica Washington said she was a student at Flat Rock Middle School. She expressed concern with loose dogs chasing some of the students in that area. She said there was also a lot of trash and old tires that had been dumped there.

Janae Brown remarked that she was a junior at Sandy Creek High School. She said she was concerned about her safety during her walk from the bus stop to her home after school.

Kayla Marshall remarked that she was a student at Flat Rock Middle School. She expressed concern with all of the trash, abandoned cars and men walking through the area. She said this occurred every day during their walks to and from the bus stop.

Eric Washington said his main concern was the safety for the children. He felt when the daylight savings time goes back to Eastern time it was too dark for the children to walk the distance from the bus to their homes. He pointed out that there were a lot of men wandering through this area.

Kimberly Kimbrough remarked that her two children were students at Flat Rock Middle School. She asked for the Board's consideration to open old Highway 138. She said she was one of the parents making at least eight trips each day back and forth to the bus stop to ensure that her daughters were safe coming and going to school. She said there had been one particular incident that had made her overly concerned. She said when she had picked up her daughter at the bus stop a man just came out of nowhere toward the girls. She felt it was very unsafe for the children waiting at this bus stop coming and going to school. She said there were a lot of men in that area who were fishing at the nearby pond. She said there was also a lot of debris in the area. She asked for the Board to deeply consider opening old Highway 138.

Sharon Nixon further remarked that a lot of what had been discussed tonight had been the bus stop issue in particular but there were other safety concerns as well.

Commissioner Wells said she had a question for Ms. Nixon. She said there was the issue concerning dogs chasing the children. She asked if this incident had been reported to anybody.

Ms. Nixon replied yes it had. She said they had reported this to Animal Control.

Commissioner Wells asked if Animal Control had responded to this complaint.

Ms. Nixon responded yes and stated that a lot of time the dogs had already gone when they arrived. She felt a lot of the trash attracted the dogs.

Commissioner Wells asked about the complaint regarding the men walking around that area. She asked if this had also been reported to anybody.

Ms. Nixon replied yes. She said they were now on the patrol list for the Fayette County Sheriff's Department.

Mignon Allen remarked that the residents had set up a Neighborhood Watch and had the Sheriff's Department come out and meet with them.

Chairman Dunn asked how old the pictures were that showed the dumping in that area.

Ms. Allen said there were new pictures that had been taken by the Atlanta Journal and Constitution and The Fayette Citizen News. She said those reporters were present if the Board wanted to see some new pictures.

Chairman Dunn said he understood that these pictures shown tonight were taken at the beginning of the school year and now the trash had been cleaned up.

Ms. Allen replied yes that was correct.

Chairman Dunn remarked that there were no more old washing machines, abandoned cars or piles of mulch located there. He said all of this had been cleaned out.

Ms. Allen interjected that the mulch was still there.

Commissioner Wells said she had gone by this location earlier in the day and there was no mulch there.

Chairman Dunn said the County had handled all of the complaints and would continue to do so.

Ms. Allen remarked that whether or not this was maintained, the residents did not want it to be there in the first place because these incidents continue to occur.

Chairman Dunn felt it was somewhat misinforming showing the pictures that were taken back in the Fall. He said this had all been cleaned up and taken care of.

Ms. Allen said the Board could not assure her that if they continued to have to have a bus stop at that particular location, that there would never be another mulch, trash dump, abandoned car or suspicious person.

Commissioner Frady said he felt Ms. Allen was trying to get across that this location lended itself to dumping. He said there were certain places that do this.

Ms. Allen said that was correct.

Commissioner Wells said she felt Chairman Dunn was concerned with Ms. Allen's remark in regard to the illegal dumping and trash piles that these circumstances had not improved. She said there was a situation that existed, the County was notified and it was rectified. She said there was no guarantee in life at all that nothing may reoccur again. She said the point was that Ms. Allen had stated that it had not improved when in fact it has improved.

Ms. Allen said she would submit that this bus stop was not in an improved condition.

Ms. Nixon said there were certain things in the slide show that were no longer there. She said she agreed the burned out cars were not there now but it was a condition that existed at one point. She said the dogs, beehives, and people lurking in the bushes still existed there. She felt these problems were a result of this road being a dead end street.

Chairman Dunn remarked that comments had been made that there had been a lack of sensitivity to minorities. He said when the Board closed this road, none of these residents lived there. He said the Board had worked with the people living in the other subdivision and 95% of those people were also minority. He said he just wanted to get the record straight.

Ms. Allen clarified that the point was that they were never allowed to be an established community in the first place. She said the Board had rushed to judgment before allowing the community to exist. She said the slide show spoke to the spirit and intent of Federal Transportation policies that say there needed to be adequate and meaningful public input in transportation decisions that impact minority communities.

Chairman Dunn asked if there were any residents of Highland Hills Subdivision present tonight. He asked those individuals to stand so the Marshal could take a count. He remarked that there were 22 people standing. He asked if the spokesperson for Highland Hills Subdivision was present.

Marcy Dunbar thanked the Board for allowing everyone to speak this evening. She said she was representing the Highland Hills Estates residents. She said these residents were readdressing the action taken by the Board in October of 2002 for the old highway 138 and Highland Hills cul-de-sac that was unanimously voted on at that time. She said this informed decision was made after having acquired the necessary community support, legal and county services, department investigations and lessons learned from past experience and history of other subdivisions within the county such as this one. She said their Shenandoah Estates Neighbors were proposing to have old Highway 138 reopened. She felt they were either insensitive or oblivious to the traffic endangerment that the influx of traffic would create not only what the Shenandoah residents would cause but also the excess of traffic from people rerouting through their neighborhood turning off of State Road 138 to avoid the light at S.R. 314. She said this would affect her community's safety but not create any increased traffic or unsafe conditions in the Shenandoah neighborhood. She said she and a lot of residents from Highland Hills Estates were present tonight to show their opposition to this request. She said they were asking the Board to continue to protect and uphold the rights of the disabled residents, children, grandchildren and all residents in the Highland Hills Estates subdivision from traffic endangerment. She remarked that one of the residents had already had a traffic problem in broad daylight on this road where their car ended up in the ditch. She said over the years there had been several accidents one involving a school bus due to the narrow roads and passing zone. She said most of the accidents involved people speeding through the area and not familiar with this road and the many curves.

Ms. Dunbar further remarked that when the road closed sign was boldly posted and when the cul-de-sac was built, not a single home had been built in the Shenandoah Estates Subdivision. She said now it was three and one half years later and as of this date the cul-de-sac had proven to have the positive impact and vision. She said thankfully there were no fatalities to report due to curtailing the extra vehicles plus an unknown number of vehicles from traveling through the Highland Hills narrow winding roads that were not designed to support such volumes of passing traffic and it had also proven not to have contributed to any fatalities or any endangerment for the Shenandoah subdivision homeowners. She said she was asking the Board to allow the road to remain closed. She said they did, however, submit that the issues and conditions that were put forth and voted

on in October of 2002 would still exist if reopened. She said on more than one occasion their efforts to work with their neighbors to try and help to reach a viable solution regarding the school bus issue had been refused. She said their issue was not one with Highland Hills residents but an issue that should be worked out with the Board of Education. She said the underlying goal was to eliminate the cul-de-sac and open old Highway 138 without any regard or consideration of the endangerment and safety issues that the thru traffic would create in the Highland Hills subdivision. She said at this juncture, the Highland Hills homeowners ask that the County Commissioners remember the issues of Wellington Place and the problems that ensued and still exist and then think about the residents who reside in the numerous subdivisions in Fayette County that were accessible by only one egress or ingress. She said people had purchased their homes with the knowledge that this was how the community was designed. She asked for the Board's consideration in not jeopardizing their rights and safety for the emotions and benefit of others.

James Bynum remarked that the residents of Highland Hills Subdivision and Shenandoah Estates Subdivision were not the problem. He said they had purchased their homes there and most of them had lived there for the last ten to fifteen years. He said the issue was not the road but the issue should be the children. He said the question should be how these children could be picked up in front of their homes as the children are picked up in Highland Hills. He said he did not feel like this was the forum for picking the kids up but the Board of Education was. He said they did not want a road opened up to allow people tramping through their neighborhood and he felt quite sure that the other neighborhood did not want this either. He said he felt the issue was getting the children picked up by the bus for school. He said everyone here was in the wrong forum and they needed to have another meeting with the Department of Transportation. He said the problem was Shenandoah residents meeting with the Department of Transportation. He said this meeting should be moved to the D.O.T. to address these concerns.

Chairman Dunn clarified that this would be the Department of Transportation for the Board of Education and not the State office for D.O.T. and Mr. Bynum agreed.

Mr. Bynum felt if the residents of the subdivision presented petitions to the transportation board for the School Board, they would realize that for a bus to come out of old Highway 138 and turn down 138 and go into Shenandoah Estates to pick up children would He pointed out that there were twenty buses traveling on S.R. 138 coming across and going in and out. He noted that there were eight subdivisions on S.R. 138 and these children were picked up by Clayton County school buses. He said there was only one subdivision that did not have the children picked up and that was Shenandoah Estates.

Chairman Dunn interjected that Shenandoah Estates was the only subdivision in question that was in Fayette County.

Mr. Bynum felt if the Clayton County school buses could come in there to pick up children, then the Fayette County school buses could as well.

Chairman Dunn said he was aware of the fact that the residents of Shenandoah Estates had gone to the School Board and spoken with them about this situation. He said they had been unsuccessful in getting any changes made.

Chairman Dunn asked if anyone else wished to speak.

Allen Funches said he was a graduating senior at Sandy Creek High School. He said he had lived at 138 Highland Drive since he was five years old and during that time at least eight people had taken out their mailbox when going through the curve. He expressed concern with the traffic on Highway 138 and felt the road should remain closed.

Garrett Kirkland said he was the senior resident of the Highland Hills Estates subdivision. He said for at least fifteen years he was the volunteer fireman and the only E.M.T. in North Fayette County. He said the only fire protection that they had was on S.R. 314. He said he had a great deal of experience driving a fire truck and only an idiot would ever leave the fire station on S.R. 279 and go to Shenandoah Estates coming through Highland Hills Road. He said the expeditious route would be up through S.R. 314 to S.R. 138 down to the entrance and into the subdivision. He said by taking a fire truck through Highland Hills Road because of the curves and the additional stops would increase the emergency response time and not decrease it. He said this would also be true for an ambulance. He said there were several elderly residents in the Highland Hills area and there were fire trucks on the street on a regular basis. He said when there was a fire truck on the street no one could get past it because there was not sufficient room.

Mr. Kirkland said he would also like to address the dumping situation. He said at old Highway 138 and Highland Hills Road there had been dumping for the last thirty-three years. He said the dumping was nothing new and the cul-de-sac added nothing. He said the one thing that the cul-de-sac did for the dumping was that the dumping was finally being addressed now and cleaned up on a regular basis. He thanked the Board for that. He said one new thing that was happening on Highland Hills Road was that there was a new resident building his own home right near this intersection in question. He felt this would help with the dumping with more eyes preventing people from going down there to dump. He appealed to the Board to keep the traffic off of Highland Hills Road and Highland Drive and not from Shenandoah Estates because 59 homes was not that big of an impact. He said the problem was the people cutting off of S.R. 138 to S.R. 314 and vice versa to avoid the traffic light. He said because of this, the traffic had been greatly decreased.

Walter Harris and he had lived at 132 Highland Drive for the last twelve years. He said he was one of the residents who originally asked for the road to be closed. He said he had done so for a numerous amount of reasons. He said one reason was the traffic cutting in from S.R. 138 coming through Highland Hills Subdivision and creating dangerous situations for them. He said there were also elderly people in Highland Hills Subdivision as well as disabled people. He said there was a blind man who walked on the road for his exercise and the extra traffic would create a very dangerous situation for him. He said he would like

to address the school bus issue. He stated for the last thirty-five years he had worked for the Chicago Transit Authority. He said for fifteen of those years he had trained bus drivers and his position was line instructor. He said he was a professional trainer that trained bus drivers to become professional operators. He remarked that any bus driver that could not come out of old Highway 138, make a left hand turn after crossing two lanes of traffic, go down to the next stop light and make a left turn safely had not been trained properly and that person did not need to be driving a bus. He said this was his professional opinion. He said if the Fayette County Board of Education was saying that the school buses could not come out of that street and make a left hand turn and cross four lanes of traffic just was not true. He said the bus would not be crossing four lanes of traffic and would only be crossing two lanes. He said if this was a professional bus driver then he or she should be able to cross those lanes safely. He said every bus driver has a CDL license. He said this indicated that the driver was a professional driver. He said he had trained bus drivers to go across eight lanes of traffic in the City of Chicago on the freeways. He said the school children in the City of Chicago did not get picked up by school buses at their homes. He said these children rode public transportation which were the same buses their mothers and fathers rode to get to work. He said sometimes those buses had to go onto expressways in order to get to their destination with school children and with adults. He said during the fifteen years of training he did not know of one incident where a bus driver that he trained had anyone get hurt. He asked the residents of Highland Hills had originally asked for this road to be closed for its residents safety and he asked for the Board's consideration in keeping this road closed for that reason.

Fess Simmons said he lived on Highland Hills Road and when he first moved there it was a quiet place to live. He said he bought into the fact that there was no traffic there. He said when the new neighbors bought homes in their community, that was what they bought into. He said there was already a cul-de-sac there when these residents moved there. He said they were aware of the cul-de-sac when they moved in their homes.

Irma Harris said she lived at 153 Highland Hills Road which was located on the corner of Highland Drive and Highland Hills Road. She said she had lived there since 2001 and loved the community, neighborhood and the people there. She said the neighborhood was not designed for traffic. She said she walks regularly on the road and there were people passing through that did not go the 25 miles per hour who were speeding. She also pointed out that there had been two instances where cars had landed in the ditch. She said these people did not live on this road and were speeding and lost control of their vehicles. She said any extra traffic would only create a more dangerous situation. She urged the Board to keep the road closed. She said the road was closed when she moved there and she hoped it would remain closed.

Chairman Dunn asked if anyone else wished to speak in the remaining two minutes.

Walter Harris said he would like to make another comment. He said when he and his wife purchased their home, they went straight to the Board of Education to check to see where

their daughter was going to go to school, where she would be picked up by the bus and who her first grade teacher was going to be. He said his daughter was a graduating senior this year at Fayette County High School and she had gone through the entire school system riding the school bus. He said they knew she would be riding the school bus and where she would be picked up. He said when someone purchases a home, that person needed to know everything about that home that needed to be known. He said if there was something going on with the property that the purchaser did not like, then they should not buy that home. He said people cannot purchase homes and then turn around and say that they did not like certain things and asked that they be changed.

Commissioner Frady asked Mr. Harris how long he had lived there.

Mr. Harris replied he had lived there for thirteen years this coming October.

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

Commissioner Wells said she could appreciate the problem that these residents were experiencing. She said she had driven the route and some of the residents were more than one mile from the school bus. She said she would not want to walk that far. She said this was a school bus issue and not a Board of Commissioners' issue. She said one of the things that she takes exception with was the presentation this evening. She felt the presentation was antagonistic and she also felt there were some assumptions that were extremely invalid. She said she also felt it was confrontational and unnecessary in that manner. She said the assumptions were that the County acted capriciously and did not do any homework. She said this Board studies every issue to death before making any decisions. She said if the residents of Shenandoah Estates would speak with the residents of Highland Hills they would learn that this Board took a very long time in making a decision on this issue. She said this had not been a capricious decision and was not something that somebody just made a quick decision on. She said there had been many, many individual meetings and neighborhood meetings and every Board member with the exception of Robert Horgan who was a new Commissioner had gone out to the site and spoke to the residents. She said this Board had done its due diligence and looked at the situation. She said one of the reasons the Board had considered this was because of existing neighborhoods where there was the exact same problem and the Board was trying to avoid it at this location. She said this Board had not waited to see the needs. She said if the Board had waited to see the needs then it would have been criticized for not being proactive. She said this Board had been proactive. She said there were a number of subdivisions such as Wellington Place that were located on the Fayette County line with Clayton County. She said Wellington Place was a subdivision that she had been very involved with. She said there was a problem with people cutting through this subdivision, running stop lights, and causing a lot of problems. She said the Sheriff's Department had done what they could to be out there to monitor it but they have other roads that they also must monitor. She said the Board had talked about speed bumps, speed humps, cul-de-sacs and several other remedies for this subdivision. She felt it would be very negligent

on the part of this Board to sit back and see what happens and wait until somebody gets killed especially after almost an entire neighborhood had asked the Board for some relief. She said the innuendo statement that this Board had not waited to see, did not do any studies, did not gather any data was incorrect.

Commissioner Wells further remarked that the other issue was the reference to the illegal trash dumping and that those conditions had not improved. She said that was just pure emotionalism. She said those situations existed, this Board was made aware of them and they were addressed. She said for someone to make an assumption that the County would not continue to address those issues and not continue to keep every citizen's best interest in mind was merely an emotional assumption. She said another issue that had been brought up that she had some issue with was the Federal guidelines of how to close roads. She felt anyone who had lived in Fayette County for a while knows that this Board was very equitable and one of those boards who listens to every citizen regardless of their origination, their color, their nationality, their language or whatever. She said for this Board to be brushed with that broad stroke of this Board discriminating against a minority and closing this road and that the Federal guidelines were not followed was once again an assumption that had no basis or fact. She said the citizens who approached this Board were in fact minorities. She said this had nothing to do with the Board's decision. She said the issues that related to the Board's decision were the safety of Fayette County citizens. She said she resented the implication that this Board was treating anybody in any way differently. She said her question to the presenter this evening would have to be that the Federal guidelines did in fact require that the County consider any impact on minority communities but asked how far in the future would the Board have to solicit that impact. She said this was created in 2002. She said the Board solicited the information and looked at the impact on the citizens. She said this was two to four years down the road. She asked how long in the future of prospective citizens did the Federal guidelines require the Board to look. She said the Board had done due diligence. She pointed out that the issue today was not with the cul-de-sac but the issue was with the Board of Education. She said the Board of Education's rules state that children should not walk more than a half a mile. She said the Board of Education's rules were the ones not meeting these citizens' needs.

Commissioner Wells referred back to a statement made by Fess Simmons earlier. She said there was such a concept in law regarding the moving of someone to a nuisance. She said if someone moved to a nuisance that was a situation wherein the person knows or should have known that existed, then the status for complaints and relief were far less likely to occur than if the person was already living there and the nuisance moved to them. She said she had great empathy for what was going on there and she said she would not want her child walking that area. She said she would also not want dogs chasing her children but there were dogs chasing people's children all over Fayette County. She said this Board was trying to remedy that situation. She said these issues were being addressed. She said she did not personally feel that the responsibility for solving this problem was with the Board of Commissioners. She said this problem needed to be addressed by the Fayette

County Board of Education. She encouraged the citizens concerned here tonight to go in mass to the Board of Education and to insist upon them to address these issues.

Commissioner Pfeifer remarked that there was no rush to judgment on the part of the Board. He said any perceived rush was to solve the problem before Shenandoah Estates Subdivision existed so that no one would be under a misapprehension of what the facts were going to be in the future. He said most of the issues that had been brought up in this forum and the others as well were the school bus issues. He said the other issues such as dumping, men walking in the neighborhood and dogs could occur anywhere in the County. He said those things were not occurring there because the road was closed. He also pointed out that not every Fayette County student was picked up by a school bus in front of their house. He said he would agree that there had been no damage to Shenandoah because the conditions that everyone had moved in to had existed before they moved in and still existed now. He said this meant that the Board needed to address any problems such as illegal dumping and so forth and that the School Board needed to address the bus situation. He felt the Board solved a problem by closing this road and he did not see any reason to reopen it.

Commissioner Frady said he realized the cul-de-sac was not there when several people had moved in but it was there now. He said he was not present in October of 2002 when the Board voted on this issue. He said he would like to table this issue to another Commission meeting for further discussion. He said every member of this Board has his or her own mind and certainly did not speak for each other. He said every Board member tries to make a presentation of what each feels they would like to do and how they would like to conduct their business. He said he was not in favor of closing roads. He felt there needed to be more roads in order to expedite traffic better through the County. He said the Board had a situation in Wellington Subdivision that it could not do anything about and also in other places in the County. He said there was cut thru traffic everywhere and this Board could not close all of the roads. He said he would have to take that into consideration. He said he was aware that this subdivision was already platted although no lots had been sold when this road was closed. He said he had some concerns about the fire and emergency services with only one exit out of that situation. He said he would like to review this situation further before the Board voted on this issue.

Commissioner Horgan said he would have to agree about the school bus situation. He said he went to the area today and drove this route. He said it was a long distance from the homes in the neighborhood to the bus stop. He said he had spoken to a resident who lived in the rear of the subdivision and it was a long ride from that home to the cul-de-sac. He felt there was certainly a school bus issue that needed to be addressed. He said there was also the concern of a "chop shop" in the area. He said he had driven to where that business was located and it was a pretty scary looking area there and he could see why there would be a lot of undesirable people in that area. He noted that further down S.R. 138 there were some yellow stakes that helped with turning lanes from other subdivisions and he felt that might be something that would help in this area as well.

Chairman Dunn remarked that there was no doubt in this world that there was a problem with the school bus situation. He said he had driven in that area many, many times. He said he agreed with Commissioner Wells about some of the implications here. He said at one of the meetings someone had made the statement that this Board approved the cul-de-sac because Walter Harris was a friend of his. He said yes, Walter Harris was a good friend of his, but he had become friends with him because he had brought this problem to him for attention. He said Mr. Harris had also presented him with the problem of dumping in that area. He said they had spent hours and hours in that area and had watched the conditions such as the dumping and the traffic cutting through on S.R. 138. He said the dumping had been cleaned up there.

Chairman Dunn further remarked that he did not make decisions based on friends or non-friends. He said he and Mr. Harris were good friends and they had become good friends because of trying to solve these problems with the children and the other residents in Highland Hills Subdivision. He said it was a dangerous situation in Highland Hills and the residents of Shenandoah Estates have no knowledge of what it used to be like. He said it was like a speedway going through Highland Hills with people cutting off S.R. 138 to get to S.R. 314 just to skip a light or two. He pointed out that was an existing life threatening situation that this Board was in a position to fix. He said this Board fixed the situation with the idea of having one entrance into a subdivision. He said he guessed there were 50 or 60 subdivisions in the County with one way in and one way out and this was not unusual. He said he still believed that the solution was with the Board of Education. He said this Board had a meeting with the School Board members present and they had said that they were going to try and come up with some solutions. He said the School Board had looked at one option but there was more than just one option. He said this was a local school policy and not a State or Federal law that said that a school bus would not go across the highway in that manner. He said according to the schools, this was a safety issue. He said he certainly was not debating that. He said this Board was in a position now where he was having difficulty with this because he wanted the problem with the children solved. He said this was a safety issue for the schools with buses having to make a left hand turn. He said it was a different kind of safety issue for Highland Hills if they open it up again. He said to just say that the wall needed to come down would be transferring one situation for another one that could be more serious. He said people had been hurt in there and there had been vehicles going into the ditches. He said it would be a very dangerous situation if the Board decided to open up this road. He said he realized that this would not make the residents of Shenandoah Estates happy but he felt the real solution would be in the hands of the School Board. He said he would be more than willing to work with the residents and the School Board because there was definitely a problem. He said he had gotten the impression, however, that even if the school bus problem was resolved that the residents were still asking that this road be opened to thru traffic. He asked if this was a correct assumption.

Mignon Allen explained her understanding of the bus route through the subdivision. She said Mr. Jennings at the School Board transportation office had reviewed this route and did

not feel like that was a viable option because this would add thirty additional minutes on the bus route and would impact other children. She said that was not going to be an option and also the bus would not be allowed to travel through Clayton County to accomplish this. She said they did not want their children or anyone else's children being in a situation where they have to take a left on the roadway when the planter could simply be removed. She said they did not see another viable option that would not add another safety issue, more time and inconvenience that would impact a lot of people.

Chairman Dunn said he could certainly empathize with those comments. He said the School Board took one look and took the long route around but there were other shorter routes to take. He said the School Board just had not checked all of the routes. He said the bottom line was that the School Board had made no attempt with the State to try and get any kind of traffic calming device in that area. He said this Board was only recently made aware that the children were not being picked up there. He said this was certainly a problem for the residents in that area and if there was something that the Board of Commissioners could do he would certainly do it. He said the only thing that this Board could do would endanger the children and residents in the Shenandoah Estates Subdivision.

Ms. Allen questioned why a bus would have to take a left hand turn out of the subdivision on to a busy highway. She said she was not second guessing the Board of Education's safety policies but was just trying to facilitate safety issues in the community. She said if this road was not closed then the Board of Education would not have an issue to deal with in the first place.

Chairman Dunn said this was not a win/win situation. He said Ms. Allen's solution was not a win/win. He said if the wall was taken down, the traffic would come off the road speeding to cut through to get to S.R. 314 to avoid the traffic signals. He said Ms. Allen had never experienced this because the wall was there when she moved in. He said if the Board opened the road up, these speeding vehicles would not bother Ms. Allen at all because they would not go up her street. He said the vehicles would just cut through Highland Hills Subdivision and none of it would go through Shenandoah Estates.

Chairman Dunn pointed out that although the Board could see both sides of this issue, the Board would be hurting one of the parties in order to make Ms. Allen happy. He said this was unacceptable to him and the Board would have to find another way to solve this problem. He said he felt that solution was with the School Board. He said he also believed that if the Board solved the problem with the school bus that the residents would still want the road opened up. He said this Board was empathetic and it would try and help find a solution without endangering the other community. He said it was correct that this Board had not hired a consultant to do a traffic study but this Board had individually gone out and experienced the problems. He said there was no one else to deal with at the time but now there was.

Commissioner Frady clarified that the County had several subdivisions with only one entrance. He said there was also a County Ordinance that stated that this entrance could not be more than 3,000 feet long and if it was there would have to be two entrances.

Chairman Dunn clarified that Commissioner Frady had requested this item to be tabled so that the Board could have more time to review the situation and the Board would grant that request. He said it was the Board's policy that if any Commissioner wanted more time to review an issue, then that request would be automatically granted. He said the Board would take this issue under advisement and make a decision on this at the next Commission meeting.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the consent agenda as presented. The motion carried 5-0.

WATER SYSTEM: Approval of request by the Water System for additional fencing to secure the park at Lake Horton. (Tabled from March 23, 2006 Commission meeting). A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

WATER COMMITTEE: Approval of Water Committee recommendation to appoint David Jaeger to replace Jim Mallett as a non-voting member of the Water Committee. A copy of the recommendation, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

WATER COMMITTEE: Approval of Water Committee recommendation to run a waterline down Antioch Road for water and fire service to Lake Horton Park at a cost of approximately \$300,000. A copy of the recommendation, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

KENWOOD PARK: Approval of staff recommendation to award Bid #565 to low bidder APAC-Southeast in the amount of \$382,468.96 for Highway 279 lane improvements at the Kenwood Park entrance and authorization for the Chairman to execute a contract. A copy of the recommendation and contract, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

ENGINEERING DEPARTMENT: Approval of staff's recommendation to use \$4,500 of contingency funds to hire a consultant to help develop an Illicit Discharge and Detection Elimination (IDDE) program for the County, mandated by State and Federal programs. A copy of the recommendation, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

TAX COMMISSIONER: Approval of Tax Commissioner's request to transfer \$19,200 of unused personnel costs to computer equipment to upgrade the Tax

Office's computer server to a DELL PowerEdge 2800, SQL Server 2005 software and replacing three PCs. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

DEPARTMENT OF TRANSPORTATION - LAR06-S008993: Approval of right-of-way certification and contract with the Georgia Department of Transportation for LAR06-S008993 for the resurfacing of 24 county roads totaling 9.43 miles. A copy of the certification and contract, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on March 23, 2006.

PUBLIC COMMENT:

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

Anna Singleton: Anna Singleton, 265 Shenandoah Trace, Riverdale asked for information about getting a traffic calming device for her street.

STAFF REPORTS:

REVISED HEALTH RISK ASSESSMENT: County Administrator Chris Venice remarked that the Board had approved a wellness program for Fayette County employees on March 1, 2006. She asked for the Board's consideration to approve the revised Health Risk Assessment that will be completed by the employees and to waive the \$30 healthcare cost for non-participation by an employee for the first year the program is in place. She asked for the Board's consideration to approve these two amendments to the Wellness Program.

On motion made by Commissioner Frady, seconded by Commissioner Wells to approve the revised health risk assessment and to remove the financial differential in the amount of \$30 for employee non-participation for the first year the program is in place. The motion carried 5-0.

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

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

REAL ESTATE: Attorney Dennis Davenport reported to the Board on a real estate matter.

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The Board took no action on this matter.

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

The Board took no action on this matter.

LEGAL: Attorney Dennis Davenport updated the Board on a legal item.

It was the consensus of the Board for Attorney Davenport to proceed in 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 one real estate and two legal items were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

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

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 25th day of May, 2006.

Karen Morley, Chief Deputy Clerk