

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, June 22, 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 PRESTON GARNER UPON HIS RETIREMENT WITH THE COUNTY:

Chairman Dunn remarked that the Board was recognizing Preston Garner this evening for his 26 years of service to the County. He commented that Mr. Garner was blind. He said this was an amazing accomplishment on Mr. Garner's part to have worked for his fellow citizens and for the government for the last 26 years at the Water System. He said Mr. Garner was certainly an extraordinary guy. He said it was humbling to see what Mr. Garner had accomplished no matter what the challenge. He said one of the people closest to Preston during his employment with the County was Lisa McElwaney who was the Office Administrator for the Water System.

Lisa McElwaney said she wanted to congratulate Preston for his years of service with the County. She said Preston had started in 1979 and worked in the basement of the courthouse. She said he had handled the calls on the two way radio to handle all of the help calls that came in to the County. She said staff then moved to McDonough Road and Preston came with them and helped with their radio out there. She said as the County grew, Preston remained with the Water System as everybody else moved out to other buildings. She said Preston began talking with Water System customers and helping on the radio. She said he would talk with citizens and remember things that no one else could remember. She said he also handled a lot of other things for the Water System as well. She said she wanted to ask Preston about his fondest memory during his employment with the County.

Preston responded that he had started with emergency services before it was referred to as 911. He said this in an emergency people would dial 461-help. He gave a couple of examples of his most memorable calls. He further remarked that being blind did not bother him and he loved working for the County

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Chairman Dunn said he wanted to thank Preston again for his 26 years of service with the County. He said he hoped Preston enjoyed his retirement, relaxed and enjoyed the fruits of his labor from all of those years. The Board presented a rocking chair to Preston recognizing him for his 26 years of service.

REZONING PETITIONS:

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County Commissioners. She said at this hearing the Board would listen to the concerns of everyone, whether in favor or opposition to the rezoning petition. She pointed out when a rezoning petition was called, the petitioner or representative for the petitioner would be allowed 15 minutes in which to present the details of the request, followed by anyone who wanted to voice support for the request. She stated that the Chairman would then allow all those individuals who were opposed to the rezoning to stand for a moment to display their opposition. She said the Chairman would then ask those individuals who wished to come to the podium to speak to remain standing so the Board and staff could get an idea of how to allocate its time. She said the Board would allow up to 3 minutes for each speaker. She said when the persons speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

Commissioner Wells further remarked that these hearings were a part of the permanent record and speaking at the podium with the microphone helped staff with their task of recording comments and ensured everyone being heard. She remarked when it was an individual's turn to speak that they come to the podium, state their name and address and direct their comments to the Board only. She asked that after individuals speak that they sign the sheet that would be provided by the Marshal in order for names to be spelled correctly for the record.

Commissioner Wells stated that the Board wanted to hear from everyone who had something to say and they would pay close attention to each point raised. She said it would not be necessary for the same point to be raised over and over. She thanked everyone for their participation and announced that the Zoning Administrator would begin introducing each request in the order they appeared on tonight's agenda.

PETITION NO. 1174-06:

Director of Community Development Pete Frisina read Petition No. 1174-06, Praveen Rastogi, MD, Owner, and Christy R. Jindra, Agent, request to rezone 0.608 acres from A-R to O-I to develop a Medical Facility. He said a Revised Final Plat of the Bank of Georgia Final Subdivision Plat would be required to add said acreage to Lot 2 consisting of 2.388

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acres to create a total lot size of 2.996 acres. He said this property was located in Land Lot 128 of the 5th District and fronted on Hwy. 54 West. He said the Planning Commission recommended approval with one (1) condition 5-0 and Staff recommended approval with one (1) condition.

Christy Jindra remarked that there was one issue he wanted to make known to the Board. He said Commissioner Horgan had come to Stephen Ott's office to get some work done. He said he had done work on behalf of Horgan Transmission, Inc. that was related to a customer. He said in the mean time he had to register as the agent of Horgan Transmission, Inc. He said this particular rezoning had nothing to do with Horgan Transmission, Inc. or any road that abutted Horgan Transmission, Inc. or anything to do with Commissioner Horgan. He said he had asked Attorney McNally to determine whether or not Commissioner Horgan could or could not vote in this particular matter.

Attorney McNally interjected that Commissioner Horgan had already addressed this matter with him and he saw no conflict of interest from Commissioner Horgan.

Mr. Jindra remarked that this was a very simple rezoning. He called the Board's attention to the plat. He said Dr. Rastogi had purchased Lot #2 and he wanted to build a medical facility. He stated the septic system would not support that facility based upon his proposed size. He said the 0.608 parcel was available and Dr. Rastogi had purchased that property as well in the hopes that the County would agree that this would be alright for him to put septic on that portion. He said the property was A-R to start with and the applicant was asking it to be rezoned O-I. He remarked that the property was consistent with the other tracts of land. He said this was a very small piece of property and rounded out the O-I for that particular land mass. He said this building would be next to the Bank of Georgia building in its own sort of complex. He said the applicant could meet the one condition and that was joining the parcels and resubmitting a consolidated plat. He asked for the Board's consideration in approving this request.

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

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve Petition No. 1174-06 with one condition. The motion carried 5-0. A copy of the Staff's Analysis, Investigation and recommended condition, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1174-06, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PETITION NO. 1175-06:

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Director of Community Development Pete Frisina read Petition No. 1175-06, James Abner Oakley and Claudine Banks Oakley, Owners, and Lester Road, LLC, Agent, request to rezone 28.29 acres from A-R to R-70 to develop a single-family residential subdivision. He said the subject property would be combined with the adjacent 20.5 acre tract zoned R-70. He said the total subdivision would consist of 48.79 acres with 20 lots. He remarked that this property was located in Land Lot 255 of the 5th District off New Hope Road. He said the Planning Commission recommended approval with one (1) condition 5-0 and Staff recommended approval with one (1) condition.

Randy Boyd said he was the agent for Mr. and Mrs. Abner Oakley in this rezoning request tonight. He presented plats for the Marshal to hand to the Board for their review. He said the property located to the West of the tract was brought before the Board in October, 2005 along with the other adjacent piece that was located West of that. He said that property was zoned R-70 and the purchaser at that time backed out of the project. He said the Oakleys currently resided on a ten acre tract that they would remain on. He said the request tonight was to rezone the 28.29 acres from A-R to R-70. He remarked that during the Planning Commission meeting there had been some discussion of the conditions that had come before on the tract that was rezoned in October, 2005. He said they wanted to acknowledge tonight that applicant understood that these conditions were in place and they would have to be adhered to in the event that the Board did approve this rezoning and this tract be approved for R-70 subdivision. He said the conditions already in place were (1) that the developer would dedicate at no cost to Fayette County for additional right-of-way on New Hope Road; (2) that no lots shall have vehicular access to New Hope Road; and (3) that a planted buffer shall be required along the two acre tract that was West of the property and owned by the Chastains. He said there was also a disagreement with he and County Engineer Phil Mallon on the watershed protection buffer. He said he was not sure that he would be the one doing this work but in the event that he was he just wanted to acknowledge that he and the applicant understood that this buffer would change. He said this had been shown on the concept plan as 50 and 25 watershed protection buffers but Mr. Mallon had brought to his attention that the Blue Line Creek starts on this property and where it starts it would have to be wider at that point. He said those were the issues that he wanted to bring to the Board. He asked for the Board's consideration in rezoning this property as requested.

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

Abner Oakley said he and his wife were the owners of this property. He said he had a question regarding the status of the twenty acres of property that was previously brought to the Board for rezoning. He said this was a small strip of land in front of the Newton property and this was approximately 18 acres that surrounded Mr. Chastain's property. He said this was a narrow strip of property that did not belong to anyone.

Chairman Dunn felt that issue had been settled.

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Mr. Oakley said it was his understanding that a church had purchased the property and he was not sure if this situation had been cleared up or not.

Attorney McNally said he did not know about any purchase of land but at the time that the zoning came to the Board there was an organization involved and that organization owned that strip of land. He seemed to recall that it was a church but he was not sure.

Commissioner Wells said the Board did not clearly have an answer to his question.

Chairman Dunn said that information would not impact the Board's decision tonight.

Mr. Oakley said he was in agreement with the one condition in accordance to the County's rules and regulations.

Chairman Dunn asked if anyone else wished to speak in favor.

Bud Chastain said he lived on a small two acre tract.

Chairman Dunn asked Mr. Chastain if he knew the status of the small strip of land that Mr. Oakley was referring to.

Mr. Chastain said he had called them and discussed this with them. He said the church had purchased the land but since the small strip of land had not been settled, he was told that they would have to give the money back. He said the money had been returned to the lady who owned the land and everything was still undecided. He said that one little strip of land went from the fire hydrant all the way across. He said he and his wife had spoken with their neighbors and they would like to ask the Board to approve this request. He said everything they had asked for had been met by the applicant. He said they did not want to stop growth and wanted to be sure that Mr. Oakley could settle his land. He said they had spoken with everybody and they agreed that this would fit what everybody wanted in the first place. He said he hoped the Board would approve Mr. and Mrs. Oakley's request.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve Petition No. 1175-06 with one condition. The motion carried 5-0. A copy of the Staff's Analysis, Investigation and recommended condition, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1175-06, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

PETITION NO. 1176-06:

Director of Community Development Pete Frisina read Petition No. 1176-06, Dan T. Cathy, S. Truett Cathy, and George and Regina Larkin, Owners, and Scott Barnett of Barnett Land Company, LLC, Agent, request to rezone 124.512 acres from A-R and R-72 to R-50 to develop a single-family residential subdivision consisting of 59 lots. He said this property was located in Land Lots 35 and 36 of the 5th District and fronted on Redwine Road. He said the Planning Commission recommended approval with one (1) condition 5-0 and Staff recommended approval with one (1) condition.

Scott Barnett of Barnett Land Company said he was the agent for the applicant. He said this was a rezoning request for 124.512 acres located on Redwine Road from A-R and R-72 to R-50 for the purpose of developing a neighborhood similar to the neighborhoods that they had already developed one of which was Highgrove and the other one was New Haven Subdivision. He said of the 124 acres 119 acres were currently owned by the Cathy family and five acres owned by the Larkin family. He said when the Cathy property was put up for sale, he realized that their property completely surrounded the Larkin property. He said they had met with the Larkins and wanted to include them in on what was being proposed. He said the Larkins had expressed an interest in being involved in this process. He said he had actually reconfigured the back side of the Larkins' lot and included them in this rezoning.

Mr. Barnett further remarked that the Larkins would remain in their existing home and the Cathys were selling their home. He said he would be purchasing the Cathy home and refurbish it and then sell it. He said the Larkins intended on staying on their property and wanted to end up with a couple of the lots behind them. He said he was in agreement with that request. He said the Larkins did want to purchase Lot #57 that was located between them and the Morris property. He said in doing that this would provide a natural progression out on the street on Redwine Road. He said it would result with two existing homes with an additional lot that would have a driveway cut to Redwine Road. He said all of the other homes would be located on the interior of the development. He said because these lots were located outside of the proposed development, he was proposing that the Larkin property and also Lot #57 remain outside of the property and not fall within all of the regulations that would be imposed on the homeowners association within this neighborhood. He said one reason for this was that Mr. Larkin had requested this and another reason was because they were not part of the neighborhood and would be entering out onto the road. He said there was also a natural buffer between the Larkin property and also the existing Cathy property that they felt could continue on around the entire project. He pointed out that because the Cathy property and home were adjoining the neighborhood he wanted to keep it within the neighborhood. He said he would be the one controlling that house being remodeled. He said the planted buffer would go completely around the property. He remarked that overall the plan called for 59 one acre lots for the 124 acres with the minimum being one acre. He said the 59 lots also included the two existing homes

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so they would end up adding 57 lots. He said the buffer that they were planning on planting around there would be planted in the areas that currently did not have any vegetation on them. He said a lot of the area across the back part of the property in the wetland area and flood plan were planted. He remarked that they had also done buffers in Highgrove and New Haven Subdivisions. He said he was proposing a full amenity package for this neighborhood with tennis courts, pool pavilion, side walks, nature trail, street trees and a round about park. He noted that there would also be approximately 45 acres that would be set aside as greenspace along the creek.

Mr. Barnett further remarked that the homes in this development would be priced from the mid \$500,000's up to approximately \$800,000. He said the minimum square footage of the homes under the R-50 zoning would be 2,100 square feet although he did foresee the homes probably being more in the range of 3,000 to 4,000 square feet. He said they liked to keep the 2,100 square feet for the empty nesters or anyone would not need 3,000 to 4,000 square feet yet wanted to live in a neighborhood with other families. He said the plan was in keeping with the comprehensive plan and had a gross density of 2.11 acres per unit and net density of 1.46 acres per unit. He remarked that adjoining the rolling meadows side of the property there were about the same number of lots backing up to that side of the property. He said they had 14 home sites and he had 15 home sites that backed up to that property.

Mr. Barnett further remarked that there was one issue outstanding on this property and that was the proposed bypass. He said he had discussed this with staff and he believed that there were two alternatives and this was the second alternative. He said he was not sure what would be done in that area but he was proposing two lots there. He said after speaking with staff he believed the bypass would just barely clip the bottom corner of the property. He said they could hold off on building permits until that decision was made or whatever the Board might want to suggest. He said he would be glad to answer any questions that the Board might have.

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

On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to approve Petition No. 1176-06 with one condition, discussion followed.

Chairman Dunn commented on the alternative route to the road. He said he thought the preferred alternative was actually alternative 1 which did not run across the property. He said that decision would not be made for a few years. He said if the Board approved this rezoning request tonight there would probably only be one alternative.

Commissioner Pfeifer commented that this rezoning had been somewhat difficult for him in that when the property first became available, he was asked if he could support one acre homes there. He said after seeing the plan and the property, he could support the plan. He said he did not really care for the classification that was being put on it and it was not really the classification that the property was being developed into but there was no C-S category that fits this piece of property. He said he hoped that Staff and Planning Commission would take the opportunity to use this as an example of property to see if there might need to be a third category of C-S subdivisions to include situations like this one.

The motion carried 5-0. A copy of the Staff's Analysis, Investigation and recommended condition, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1176-06, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

PETITION NO. 1177-06:

Director of Community Development Pete Frisina read Petition No. 1177-06, Richard F. Chambers, Owner, and Lawrence H. Davis, Jr., PE of Integrated Science and Engineering, Agent, request to rezone 5.32 acres from A-R to C-H to develop a Retail Center and Office Building. He said this property was located in Land Lot 70 of the 5th District and fronted on Hwy. 85 South and Ramah Road. He said the Planning Commission recommended approval with one (1) condition and Staff recommended approval with one (1) condition.

Lawrence Davis said he was also known as Dan Davis and either one was fine. He said he was representing Richard Chambers the owner of this property and who purchased the property approximately two months ago. He said this property was situated down S.R. 85 and at the intersection where S.R. 92 comes in from the South. He said the Chick-Fil-A was just across the street and the Eckerd's Drug Store to the East. He stated the property had been a church for many, many years. He said there had been attempts by the church to expand over the last two years. He said members of the church had been in and spoken to members of County Staff. He remarked that unfortunately there was only so much that could be done on five acres. He said the church had been looking to expand and determined in the last six months that this property no longer met their uses and they hoped to have a larger facility. He said Rick Chambers purchased the property. He noted that Mr. Chambers was a Fayette County native and had grown up here in Fayette County but lived in Rome, Georgia now, where he was a successful businessman.

Mr. Davis remarked that this plan had been jointly put together by himself and Mr. Jerry Peterson. He noted that this was a conceptual plan and they envisioned it to be retail shops ranging from small to medium size shops. He said there might be some restaurants especially up toward the front although they would be very limited by the fact that this property was not on sewer but on a septic system. He said there would likely be sandwich shops and deli shops and that type of thing that would not involve heavy water use. He said the property drains toward the East and toward the South with conceptually planned stormwater management

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facilities on the Northeast and along the Southern portion of the property as well as water quality facilities. He said they had also planned ahead for a septic field which would lie between those two buildings. He said the back portion at this time was planned as an office. He noted that there was a significant church on the back of the property located on Redwine Road. He said the septic system would be a joint facility and maintained for both properties. He said the property would continue to be owned as one at this time. He said this was consistent with the Land Use Plan and consistent with the zoning to the South, North, and East. He said it was currently being contemplated to be developed in this concept and would be consistent with the other three corners of the intersection architecturally and landscape wise. He said he would be glad to answer any questions that the Board might have.

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

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve Petition No. 1177-06 with one condition. The motion carried 5-0. A copy of the Staff's Analysis, Investigation and recommended condition, identified as "Attachment No. 7", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1177-06, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

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 COMMITTEE: Approval of waterline extension policy as recommended by the Water Committee. A copy of the policy, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

WATER SYSTEM: Approval of staff's recommendation to award Bid #R570 for a loader/backhoe for the Water System to low bidder Briggs Construction Equipment in the amount of \$34,004 and authorization for the Chairman to execute a contract. A copy of the recommendation and contract, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

BROOKS PARK PAVING: Approval of staff's recommendation to award Bid #567 to low bidder Metro Asphalt Paving for asphalt paving of Brooks Park in the amount of \$47,711.25 and authorization for the Chairman to execute a contract. A copy of the recommendation and contract, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

FIRE AND EMERGENCY SERVICES: Approval of staff's recommendation to award Bid #568 to low bidder NAFECO that meets the specifications for Turnout Gear in the amount of \$16,080 for FY'06 and \$26,800 for FY'07 and authorization for the Chairman to execute a contract. The total requested award price is \$42,880. A copy of the recommendation and authorization for the Chairman to execute a contract, identified as "Attachment No. 12", follow these minutes and are made an official part.

FIBER OPTIC CABLING: Approval of staff's recommendation to award Bid #569 to low bidder Fibertech that meets the specifications for Fiber Optic Cabling in the amount of \$54,442.50 and authorization for the Chairman to execute a contract. A copy of the recommendation and contract, identified as "Attachment No. 13", follow these minutes and are made an official part.

WATER SYSTEM: Approval of staff recommendation to award Bid #572 to low bidder Allsouth Constructors, Inc. for pump and valve replacements in the amount of \$172,000 and authorization for the Chairman to execute a contract. A copy of the recommendation and authorization for the Chairman to execute a contract, identified as "Attachment No. 14", follow these minutes and are made an official part.

ROAD DEPARTMENT: Approval of staff recommendation to award Bid #576 to low bidder Peek Pavement Marking, LLC for road striping in the amount of \$33,120 and authorization for the Chairman to execute a contract. A copy of the recommendation and contract, identified as "Attachment No. 15", follow these minutes and are made an official part.

SHERIFF'S DEPARTMENT: Approval of budget adjustment to increase the Sheriff Patrol's vehicle repair services expenditure budget in the amount of \$6,615.85 for monies received to date from insurance claims. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

GEORGIA LOCAL GOVERNMENT EQUIPMENT LEASE POOL: Approval of request to authorize the Chairman to execute the Appropriation Certificate to the Georgia Municipal Association (GMA) for Fayette County's participation in the Georgia Local Government Equipment Lease Pool as budgeted for FY 2007. A copy of the Certificate, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

SUPERIOR COURT: Approval of budget adjustment for Clerk of Superior Court's request to transfer \$600 of unused budget funds in Regular Over Time to cover Various County Retirement expenditures for FY'06. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Special Called Board of Commissioners Budget Meetings held on March 1, 2006 and March 2, 2006 and regularly scheduled Board of Commissioners meeting held on May 25, 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.

COLONEL FRANK TAYLOR SMITH: Colonel Smith, 200 Pond Trace in the Lake Ridge Subdivision, Fayetteville said he was the first President of the Homeowners Association for Lake Ridge Subdivision, was a continuing member of the Homeowners Association, and also a member of the lake owners association on whose behalf he was appearing tonight. He said the centerpiece of Lake Ridge Subdivision was a ten acre lake called Ford Lake. He said he was here tonight to say that the Fayette County government and even this esteemed Board did not treat them properly when this dam first came under scrutiny as a likely category I dam. He said the homeowners were currently in the process of making what were considered to be essential repairs for the dam at a cost of \$430,958 or \$21,191 per lot. He said he was not here tonight to ask the Board for any portion of that money and realized that would not happen. He said this falls under private property and the homeowners had to knuckle down and bear that cost themselves. He pointed out that the Ford Lake dated back to the 1970's and the subdivision was developed in 1987 with no dam or lake issues. He said the homeowners had done all of the routine maintenance to include replacing the metal stand pipe and restocking with sterile carp.

Colonel Smith said the property immediately down stream of the dam was the Kingswood Subdivision. He said that property in front of the dam was not approved for development at the time. He remarked that unknown to the homeowners the same property was approved for development in 1988 which was just one year later. He said this was just exactly like placing a subdivision at the end of an airport runway. He said the homeowners felt like the County Permits and Inspections Department and the Engineering Departments were asleep at the switch. He said it was pretty well agreed that this should not have been allowed to be developed. He said instantly a house at the foot of the dam was in jeopardy if the dam breached. He remarked that eleven years passed with no activity and abundant opportunities for someone in County government to correct this and to prevent any building from going on. He said finally a building permit was issued on Lot #4 November 9, 1999 and what became Kingswood Subdivision Phase #7. He noted that a long time resident of Kingswood who was adjacent to what would have been his greenspace and what he thought was unbuildable property went to the County Engineer to inquire and to complain. He said this resulted in the realization that the category II dam was likely a category I dam meaning that loss of life would occur if the dam breached. He remarked that the State Government was notified and this became a run away train. He said there were just too many details to go into regarding all of the ins and outs of this situation. He said the homeowners did want to tell Chairman Dunn that

they had written him a letter and heard nothing back from him. He said Senator Greg Hecht also wrote the Chairman a letter on the Association's behalf and Senator Hecht had heard nothing either.

Colonel Smith said he and the Homeowners Association were convinced that Fayette County owed them \$2,813.50 for the dam analysis and other information which was directed by the State and paid for by the homeowners on February 9th. He said he could site the State regulations stated that when a piece of property like this one that was not approved for development was then changed for development that the authority allowing this to occur would be responsible for any analysis which was clearly Fayette County. He said the homeowners had to pay for this and it was behind them. He said the rules from the State did not say that the homeowners should pay for this but the County Government did do that. He said this \$2,813.50 was a drop in the bucket when compared with the total cost to the homeowners but they felt justified in asking for it. He said they hoped the Board would find a way to say yes to the homeowners.

Chairman Dunn asked when the homeowners had written a letter to him. He said he had never seen such a letter.

Colonel Smith said he would get Chairman Dunn a copy of this letter tomorrow. He said he had seen the letter this evening but had not brought all of the papers with him tonight. He said there was a letter written directly to Chairman Dunn from the homeowners association and Senator Greg Hecht had also written a letter.

STAFF REPORTS:

D.O.T. CONTRACT FOR THE IMPROVEMENTS AT MCELROY ROAD AND S.R. 54:

Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute the Georgia D.O.T. contract for the improvements at McElroy Road and S.R. 54. He said this included funding in the amount of \$61,321.71 toward this project which would be accomplished by the Fayette County Road Department.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize the Chairman to execute the D.O.T. contract for the improvements at McElroy Road and S.R. 54. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss six legal items.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Chairman Dunn to adjourn to executive session to discuss six legal items. The motion carried 5-0.

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

The Board took no action on this matter.

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

The Board took no action on this matter.

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

The Board took no action on this matter.

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

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

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

It was the consensus of the Board that Attorney McNally proceed in this matter.

LEGAL: Attorney McNally advised the Board on a legal item.

It was the consensus of the Board that Attorney McNally proceed in this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Horgan to authorize the Chairman to execute the Executive Session Affidavit affirming that six legal items were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 20", 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 13th day of July, 2006.

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Karen Morley, Chief Deputy Clerk