

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, December 14, 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

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

**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.

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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. 1184-06:**

Director of Community Development Pete Frisina read Petition No. 1184-06 for Thomas and Patricia Lewis, Owners/Agents, request to rezone 6.796 acres from A-R to R-50 to develop a single-family residential subdivision consisting of five (5) lots. He said this property was located in Land Lot 253 of the 13th District and fronted on Kite Lake Road. He said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Thomas Lewis, 331 Kite Lake Road, Fayetteville said he was the applicant for this petition. He asked for the Board's consideration in rezoning this property from A-R to R-50 in order to develop a single-family residential subdivision consisting of five (5) lots.

Chairman Dunn asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition to this petition.

Doris Anthony, 100 Melanie Circle, Fairburn said she wished to speak in opposition but after stating her complaint the Board recognized that she was speaking on Petition No. 1185-06 which was the next item on the agenda. She said she would speak later in the meeting when the next petition was discussed.

Chairman Dunn asked if anyone else 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 Horgan to approve Petition No. 1184-06 as presented. The motion carried 5-0. A copy of the Staff's Analysis and Investigation, identified as "Attachment No. 1", follows these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1184-06, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

**PETITION NO. 1185-06:**

Director of Community Development Pete Frisina read Petition No. 1185-06 for C. Hunt Jackson, Jr. and C. Hunt Jackson, Jr., Executor of the Estate of Fannie L. Jackson, Owners, and Randy Boyd, Agent, request to rezone 41.785 acres from A-R to R-50 to develop a single-family residential subdivision consisting of 30 lots. He said this property was located in Land Lot 230 of the 13th District and fronted on S.R. 279. He

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said the Planning Commission recommended approval 5-0 with two (2) self-induced conditions by the applicant and Staff recommended approval.

Randy Boyd said he was the agent for the Estate of Fannie L. Jackson. He said the property consisted of 42 acres and was located on the Southwest side of S.R. 279 which was Old National Highway. He said it was located just East of the Country Lakes Subdivision and bordered on the West side and North of the Providence Subdivision. He said the request was for a change in the zoning from A-R to R-50. He said according to the staff's analysis the property had a net density of 1.229 acres per unit which was consistent with the comprehensive land use plan which was for one unit per one to two acres. He said at the Planning Commission meeting the applicant agreed to two conditions which were (1) to provide a ten (10) foot no access buffer along S.R. 279 which would prevent any kind of traffic coming out onto S.R. 279 except for the one entrance; and (2) the property owner will dedicate additional right-of-way if required by the State. He said at the Planning Commission meeting there had been some concerns from residents that he would like to discuss at this time. He said there were concerns about the traffic along S.R. 279. He said there was a new rule in the State Department of Transportation that if there were more than 4,000 cars per day then there would have to be turning lanes. He said it was expected that there would be greater than 4,000 cars per day. He said although no comments had been received from the D.O.T. in the zoning package, he anticipated that they would be required to do that same turning lane here. He felt the only thing that might prevent that would be the fact that they were only proposing thirty (30) lots. He said if the applicant received approval tonight then that would be an issue they would speak to the D.O.T. about.

Mr. Boyd further remarked that another concern was the price of the homes. He said with the land cost and development cost it was anticipated that the lot costs would be approximately \$100,000. He said it was estimated that the land cost was 20% of the total house cost and that would put this in the range of \$500,000 for these houses which he felt was compatible for the area.

Mr. Boyd further remarked that there was also a concern about the detention basin that was proposed. He said the entire site drained South onto the Provident Subdivision and there was a lake in that Subdivision that was providing detention for the Provident Subdivision. He said every bit of the proposed site would drain into that area. He said one of the concerns was that this detention basin might not be fenced. He said to his knowledge it was not a requirement that all detention basins had to be fenced. He pointed out that the detention basin on this site would only have water in it when it rained. He said the lake was approximately a 3½ acre lake. He said there was water in this lake all of the time and it was not fenced. He said it just did not make sense to fence this basin when it was dry most of the time. He said if this was a requirement of the County then the applicant would of course fence the property.

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Mr. Boyd further commented that another requirement of the County was the start date for the project. He said the applicant would have to turn in preliminary plat and construction plans and have those approved and it was anticipated that the project would start around May, 2007. He said the applicant felt like this would be a subdivision that would be compatible to the area. He said the R-45 and R-40 zoning completely encompassed this property except due East of this. He asked for the Board's consideration to approve this for R-50 zoning.

Chairman Dunn asked if anyone else wished to speak in favor of this application. Hearing none, he asked if anyone wished to speak in opposition.

Doris Anthony, 110 Melanie Circle, Fairburn, Georgia remarked that between Highway 138 and S.R. 85 that Highway 279 becomes a one way road with two lanes – one lane going North and one lane going South without any turn lanes. She said already the traffic was bumper to bumper between 5:30 p.m. and 8:00 p.m. She expressed concern with the health of the people from the emissions of the vehicles that were traveling back and forth on this road. She also expressed concern with the new park that was being built off of S.R. 279. She said the new park would also add traffic woes for this area. She also expressed concern with the property values in this area. She said she had several questions for the Board. She asked the Board if they had appropriately conducted studies if it approved this development such as population in the area and traffic counts. She said there had been some discussion about 4,000 vehicles per day and the State would have to come in. She said if the study had been done, she would like the figure for the number of vehicles per day. She said she would also like a copy of the traffic study if one had been done. She said if this application was approved, when would this construction begin. She asked if the Board would be holding additional meetings so that citizens would have an opportunity to speak to this application.

Chairman Dunn said he could answer Ms. Anthony's last question regarding additional meetings by the Board of Commissioners on this rezoning request. He said this would be the last meeting by this Board for this rezoning and it would either be approved or denied tonight.

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

John Anthony, 110 Melanie Circle, Fairburn, Georgia asked if the Board had done a study regarding the 4,000 vehicles traveling on S.R. 279.

Chairman Dunn said there had been several surveys done and this would be addressed.

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Mr. Anthony said this was the main reason he was present tonight. He said for someone to turn right or left there was a tremendous back up with vehicles. He said he was also concerned with the emissions from these vehicles.

Chairman Dunn asked if anyone wanted to speak in opposition to this application.

Daniel Lowry, 165 North Drive in the North Ridge Subdivision said he would like to speak in opposition. He said his property abuts somewhat to the property for the proposed development. He said his concerns were two fold. He said he had called the Health Department to ask Rick Fehr whether or not there had been any testing of the soil done to see if the soil would perk for septic tanks. He said they were having a lot of septic tank problems in North Fayette. He said there were a lot of septic tank problems in Country Lakes Subdivision, LaFayette Estates and North Ridge Subdivision and he felt these problems would only worsen if this petition was approved by the Board. He said the other concern he had was with the traffic. He said the traffic was terrible in that area and residents have a hard time getting in and out of their subdivisions. He pointed out that in the afternoons you could not make a left turn without taking your life into your own hands. He said this was one of the reasons that the traffic survey was done again. He said he understood that one survey was done. He said this development was going to pose a huge problem for traffic if this application was approved. He also pointed out that there was going to be a new park in that area as well and traffic would be affected by that.

Chairman Dunn asked if anyone else wished to speak in opposition. Hearing none, he asked if Mr. Boyd would like to address these concerns.

Randy Boyd felt like the major concern was the traffic on S.R. 279. He said this was obviously a well traveled State highway to get traffic in a Northwest direction to S.R. 314 and into Fayette County. He said the figure of 4,000 vehicles per day was a threshold figure that the State requires when turning lanes must be constructed. He said he was not saying that there were definitely 4,000 vehicles per day and he remarked that it was anticipated that the figure would be much higher than that. He said the vehicle count for McDonough Road was determined to be 13,000 vehicles per day. He said he would anticipate that the count for this project would be much greater than 4,000 vehicles per day. He said he felt it safe to say that the turning lanes would have to be done. He felt the only thing that would cause this not to happen would be the small number of lots totaling 30 lots. He said he doubted that would happen because of the high volume of traffic on this roadway. He said there was nothing that this land owner could do about the volume of traffic. He said everyone was aware of how busy this roadway was and the only way to compensate for it would be to put in a turning lane. He remarked that the property was surrounded by R-45 zoning and this was in the Land Use Plan. He said he felt that it would be unfair to this land owner to be punished due to the fact that this was on a very busy highway. He asked for the Board's consideration in giving this

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applicant the same opportunity to develop this land just like Country Lakes Subdivision and Providence Subdivision. He said these subdivisions did not have the turning lanes because it was not required at that time.

Mr. Boyd further remarked on the concern of property values declining. He said he had no rebuttal to that statement. He said the lots were going to sell for \$100,000 and the houses were going to be in the range of \$500,000. He said he just did not see how this was going to bring property values down. He said he was not an appraiser but he felt those prices would be compatible to the area.

Mr. Boyd commented on the studies that had been done by the Board of Commissioners and/or the Atlanta Regional Commission. He said the threshold for the study by the A.R.C. was 400 lots. He said the construction date was anticipated to be approximately May, 2007. He commented on the soils being compatible for septic tanks. He said at this time they had not had a level III soils analysis done and this would be required for the preliminary plat. He said if the soils on the lots did not support a septic tank, then houses could not be built on those lots. He said the soil tests had not been done but they would be if this application was approved tonight. He said if it was approved tonight, they would proceed to the preliminary plat stage. He said he would like to call attention to the extensive R-45 zoning in that area and this request being for R-50 would set an even higher standard. He felt the R-50 would be compatible with the area and he asked for the Board's consideration to approve this request tonight.

Chairman Dunn asked if the Board had any questions on this application.

Commissioner Pfeifer asked for clarification on the turning lanes. He asked if this was the same thing as deceleration and acceleration lanes.

Mr. Boyd said this would involve both of those. He said the completed product such as what was done on McDonough Road involved the roadway being widened six feet on both sides. He said there would be a decel lane and a turning lane.

Commissioner Horgan asked if this would take away from the density of the property if the additional lanes were added.

Mr. Boyd replied no because they were able to achieve this same thing on McDonough Road with 50 feet from the center right-of-way.

Chairman Dunn remarked that this was clearly a safety issue in having the turning lanes. He said the road was compacted with traffic. He said for approximately five hours per day it was a known fact that you just could not drive in that area. He

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questioned if the State did not require the turn lanes would the petitioner take this on anyway because of the safety issue. He pointed out that the other subdivisions on this roadway if built today would have to have turn lanes but were exempt at the time of their construction. He asked Mr. Boyd if the petitioner would self-impose this as a condition.

Mr. Boyd replied the bill just for moving the water line was \$40,000 and he guessed that the widening section would cost more than \$150,000. He said he would have to ask the landowners about this since it was their money. He said he just could not commit to \$150,000 of someone else's money if the State deemed that it was not necessary. He felt like the volume of traffic was so massive in that area that the applicant would not be exempt from being required to put in those lanes.

Chairman Dunn asked Mr. Boyd to get an answer on this and get it to the Board later.

Chairman Dunn clarified that soil tests have to be done for septic tanks and this information would have to be sent to the County. He said the lots would have to be able to perk for a septic tank as well as an area for the replacement tank. He said if this could not be done on a lot, then a house could not be built there.

Chairman Dunn commented on the gridlock traffic for this area. He said he would like to find a reason not to support this petition just because of the traffic. He said there was no plan by the State of Georgia to widen this road in the next twenty years that he was aware of. He remarked that every single piece of property that surrounded this project consisted of one acre lots. He said this Board had to do something to the owner of the property and that was to give the owner a legal zoning that makes sense. He said there was no way that he could say that everybody else in the area was entitled to build on one acre lots but this property owner could not.

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

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to approve Petition No. 1185-06 with the two (2) self-imposed conditions. The motion carried 5-0. A copy of the Staff's Analysis and Investigation, 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. 1185-06, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

**CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE XIII. POST-DEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT, SECTION 8-454. POST-DEVELOPMENT STORMWATER MANAGEMENT PERFORMANCE CRITERIA, F. DRAINAGE SYSTEM GUIDELINES:**

Chairman Dunn announced that the Engineering Department requested to withdraw the proposed amendments to the development regulations for further discussion at a future public meeting/workshop.

**FURTHER DISCUSSION BY DIRECTOR OF COMMUNITY DEVELOPMENT PETE FRISINA REGARDING THE HIGHWAY 54 TASK FORCE PLAN FOR THE HOSPITAL AREA AS WELL AS APPROVAL OF A CONCEPT PLAN:**

Director of Community Development Pete Frisina remarked that in August, 2006 the Board approved the formation of a County/City Task Force to study the land use in the area of the hospital located on S.R. 54. He said there were areas that were located in the County and in the City of Fayetteville with the hospital being located in the City jurisdiction. He said it was hoped that planning could be coordinated for this area. He said they wanted to make sure that both entities were moving in the same direction so whatever development takes place it would be done in a coordinated manner that was not haphazard. He said the Task Force consisted of the Chairman of the Board of Commissioners, the Mayor of the City of Fayetteville, the County Administrator, the Fayetteville City Manager and the County and City Planning Staff. He said the basic task that was accomplished was the examination of the existing conditions and environment, the development of a draft plan, met with the major property owners and stakeholders in the area, developed a conceptual master plan for the area and also looked at some recommendations on how to implement a plan and looked at regulations to make sure that they did not conflict with the intent.

Mr. Frisina further remarked that the study area consisted of approximately 2,000 acres. He said this was an area that was encompassed along S.R. 54 between Tyrone Road and Whitewater Creek in the Southern portion and in the Northern portion extended up to the Sandy Creek Road area. He said the existing zoning in this area was primarily residential. He remarked that the Atlanta region was slated to grow by another 2.3 million people in the next twenty-five years and also by another 2 million jobs. He said each county was going to absorb a certain amount of this population and job growth. He said the Task Force looked at this area in future land use as being a primary area for job growth as well as population growth that will be coming this way. He commented on the environmental issues. He said there was some flood plain, watershed protection areas, and groundwater recharge areas. He remarked that each jurisdiction had regulations in place to meet all of the State minimums. He said the area would be a mix of office, residential and some limited commercial. He remarked that the Task Force saw this area as being a major job center for the County in the next twenty to twenty-five years. He said they would like to have this area develop with the hospital being the driver for a class A office area and drawing the kinds of jobs to Fayette County that would employ the people who live here. He said this would help Fayette County keep more people working in the County and off the expressways.



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Mr. Frisina further remarked that in terms of office use, the Task Force looked at options that might include annexations. He said in the 400 acres the Task Force saw anywhere from 1.7 to 2.6 million square feet of office during the next twenty-five to thirty years. He said one of the issues that the Task Force had discussed was the possibility of the City of Fayetteville annexing property that would have some natural boundaries since the City has the capacity for sewer. He pointed out that the area consisting of Sandy Creek and a tributary to Sandy Creek forming an arc that was almost parallel to the highway would probably be the boundary where annexations might possibly go but not beyond that area. He said the area to the North consisted of residential and was the two to three acre area of the County. He said it was anticipated that this area would remain at that density. He felt the conservation subdivisions would be encouraged for that area as well as no annexations for that area. He said South of this area consisted of one to two units for residential per acre. He said if this area was annexed into the City it would probably be one-half acre per unit with the availability of sewer.

Mr. Frisina further remarked on commercial development in this area. He said the Task Force had looked at the area at the intersection of Tyrone Road and S.R. 54. He said they did not want to create a commercial destination here and draw people here for commercial. He said whether or not this was in the City or the County the Task Force was looking at this in the range of approximately 20 acres and patterned after the Peachtree East shopping center shopping with approximately 150,000 square feet of commercial space with the largest tenant in the range of 56,000 square feet.

Mr. Frisina remarked that annexations that fall within the range of this master plan that both the City and the County would adopt would be annexations that the County would probably not want to oppose. He said most of this would be medical offices and they would best be on sewer. He said it was also agreed on if there was an institution of higher learning that this would be the area for it to be located. He said the Task Force also looked at an interconnecting road system. He said the West Fayetteville Bypass was a road that was going to connect Sandy Creek North of the hospital down to S.R. 54. He said in the Transportation Plan there was another extension from S.R. 54 to Lester Road. He said there was a street planned from Tyrone Road going East along the property where the high school was located. He said they would also like to connect this to the West Fayetteville Bypass. He said since the Southern portion of the West Fayetteville Bypass may not be as easy to get through, the Task Force was looking at a possible connecting road from the Tyrone Road connection down to Huiet Road. He said North of the hospital there might be a connecting road from Sandy Creek Road to the new West Fayetteville Bypass. He said they would also like to make sure that there were also multi-use path systems that would be integrated with all of the land uses including residential, commercial and office. He said the regulations for the City and County would still need to be reviewed to make sure that they were compatible with one another and met the intent of this area. He felt the Comprehensive Plans would need to

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be adjusted in order to have a common element in each one. He said this was the basic concept that the Task Force was looking at. He said he would like to get the Board's input and opinion of this report and also have direction from the Board as to what direction the Task Force should take as the next phase of implementation of the master plan.

Chairman Dunn said he hoped the Board could give a general concept approval tonight with no specific details. He said both jurisdictions were constantly being approached by people with huge development plans for this area. He said one of those had been the Dell Property project which would have involved 3,000 homes on approximately 800 acres. He said this Board had felt that project would have been totally inappropriate for that area. He said the County would have to have changed sixteen of its regulations both building and environmental regulations in order to accommodate them. He said the City had received some requests from different people regarding annexation. He felt with the City and the County working together there could be a general concept plan in place now which both jurisdictions could agree to in concept. He said one of the basics would be that the City would not annex beyond North of the hospital location because of wetland areas. He said the City had agreed with this concept as well. He said there had been a lot of good things to come from the Task Force meetings and he had enjoyed working with the City of Fayetteville Staff. He felt the Planners in both the City and the County were aggressive and intelligent people and were trying to work something out that would make ultimate sense for the future of Fayette County. He said the ultimate question that would be ask tonight would be if there could be some kind of concept approval on this plan. He said nothing that would be approved or disapproved tonight could not be changed. He said this was certainly not set in concrete. He said this would give direction to developers and anyone wanting to come to Fayette County what the future vision of the County would be. He said discussions had also been held with the School Board. He remarked that there was property in that area that was designated for a new school for some time in the future. He said the property adjacent to that land was designated for a possible future college that would allow sharing of adjoining parking lots for these institutions. He said the Task Force did not want people thinking that the 2,000 acres in question would end up as half acre lots because that was not going to happen. He asked the Board if there were any other questions.

Commissioner Frady commended Pete Frisina and his staff and the City of Fayetteville staff on the excellent job that they had done on this plan. He said the concept plan was laid out very well and it was certainly something that gives the County a sound base to start with.

Commissioner Pfeifer said he agreed with Commissioner Frady. He said he would also like to thank everyone who was involved in this Task Force. He said this plan

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addressed the issue of annexation and the concerns that he had on that issue. He felt this plan made sense for everyone in the County and the City.

Commissioner Frady said he would also like to thank the hospital staff and the Board of Education staff who also worked on this project.

Chairman Dunn said the hospital had worked really well with the County and had been in a position to donate land for right-of-way for the road that was located on the West side. He said he found it interesting that most of the property owners along that roadway were not overly upset with anything and did understand what the City and County were trying to achieve. He pointed out that this was just a concept plan and not in concrete and would be open for discussion in the coming years. He said it was his understanding that the City of Fayetteville was going to discuss approval of a concept plan during its meeting in January in the same manner that the Board of Commissioners had done tonight. He said he was in support of the concept plan 100%.

On motion made by Chairman Dunn, seconded by Commissioner Frady to approve the concept plan regarding the Highway 54 and the hospital area. The motion carried 5-0. A copy of the Task Force concept plan, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**FURTHER DISCUSSION OF THE WATER COMMITTEE'S RECOMMENDATION TO OWN AND OPERATE COMMUNITY SEPTIC SYSTEMS AND COMMUNITY DRIP IRRIGATION SYSTEMS IN FAYETTE COUNTY :**

Chairman Dunn announced that Water System Director Tony Parrott had requested this item to be tabled.

**CONSENT AGENDA:** Commissioner Frady requested that item #5 be removed for discussion. On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the consent agenda as presented. The motion carried 5-0.

**FIRE AND EMERGENCY SERVICES DEPARTMENT - GEORGIA MUTUAL**

**AID GROUP:** Approval of request from the Fire and Emergency Services Department for the Board's authorization to be an official member of the Georgia Mutual Aid Group and authorization and for the Chairman to execute Resolution No. 2006-15. A copy of the request and Resolution No. 2006-15, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

**BELLSOUTH SPECIAL SERVICE AGREEMENT:** Approval of staff's recommendation that the Chairman of the Board of Commissioners be authorized to execute a "Special Service Arrangement Agreement" with BellSouth to remove screening tables on two circuits located at 1 Center Drive

and 2 Center Drive. A copy of the request and the Agreement, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

**COUNTY ADMINISTRATOR - AUTHORIZATION TO APPROVE LIABILITY**

**CLAIMS:** Approval of County Administrator's authorization to approve liability claims against the County in amounts less than the County's insurance deductible amount of \$5,000. A copy of the request, identified as "Attachment No. 8", follow these minutes and is made an official part hereof.

**STREETS APPROVED FOR MOTORIZED CART TRAVEL:** Consideration of approval for the specified streets in WaterLace Subdivision to be authorized for the use of motorized cart travel per Ordinance No. 95-10. Streets in WaterLace Subdivision include: Huiet Drive (within the subdivision - Lot 192 and Lot 316 south side and Lot 319 west side), Silver Lake Way, Bluewater Point, Row Boat Court, Discovery Lake Drive, Cresnet Creek Court, Marsh Landing, Reflections Point, Summer Lake Court, Lapis Lake Point, Dockside Drive, Covebreeze Court, Topsail Court, Watercolor Drive, Quiet View Court, Windsail Way, Freshwater Court, WaterLace Way, Mistwater Close, Cattail Court, Flyfisher Lane, Blue Point Drive, Canoe Cove, Little Cove Court, and Butterfly Pointe. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

**COUNTY ADMINISTRATOR'S CONTRACT:** Approval of revised contract for County Administrator.

Commissioner Frady remarked that he did not have a copy of the contract and did not know exactly what the changes were going to be.

Attorney McNally provided Commissioner Frady with a copy of the revised contract.

Commissioner Frady said his comments regarding this issue had nothing to do with the County Administrator Chris Venice. He said this was the third time this contract had been before the Board in the last three weeks. He said this contract change was for one year's annual pay if Ms. Venice's contract was not renewed on the termination date listed on the contract. He said if the Board of Commissioners at that time did not renew her contract, she would receive a one year's severance pay. He felt an obligation to the taxpayers of Fayette County. He said he did believe in severance pay for people who work for the County but he felt to pay someone for one year's salary was somewhat extravagant. He said this would come to \$128,000. He said he just could not support this contract change. He said the previous administrator had a two year contract and made \$119,800 with a four months severance pay in his contract and nothing was paid

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if the contract was not renewed. He said he did not understand why this contract had to be changed to this extent.

Chairman Dunn said he did not agree with Commissioner Frady. He commented on the prior administrator's contract. He pointed out that Chris Cofty had worked for the County for five years before he was put in the administrator's position. He remarked that Chris Venice had worked for the County for twenty years. He felt it was obvious what a decision on severance would be for an employee who had worked here five years and one who had worked here for twenty years.

Chairman Dunn pointed out that every member of this Board of Commissioners had agreed to this provision when Chris Venice accepted the job as Administrator which was almost two years ago. He said it was implicit in the old document and the Board wanted to make it explicit so that everybody from here on understands what the intent of the Board was the first day Ms. Venice was hired as a full time Administrator. He said Ms. Venice had a six month probation period before her position was made permanent. He said Ms. Venice had done such a great job that when she was made permanent the Board also committed to her that since she was giving up so much that the Board would have to compensate Ms. Venice. He said he himself could not imagine anybody releasing Ms. Venice from her contract but the fact was if they did the Board had a right to do that. He pointed out that Ms. Venice served at the pleasure of the Board. He said the fact that Ms. Venice changed her status after all of those years leaves him with the feeling that the County gains more by keeping her rather than ever letting her go. He said this Board had asked Ms. Venice to change her whole life and now he felt Ms. Venice deserved some modicum of protection. He felt one year's salary after working for the County for twenty years and giving up some of her rights and privileges was not extraordinary at all.

Chairman Dunn further remarked that Ms. Venice's contract with her predecessor also included \$7,200 for a vehicle and Ms. Venice did not receive that. He noted that Ms. Venice's predecessor received \$119,000 plus \$7,200 for his vehicle. He said because the predecessor only had five years with the County, he was not given this kind of a severance package and did not deserve one because he had less of an investment with the County. He said if the predecessor had been with the County longer, then he would have received more. He pointed out that the County Administrator prior to Mr. Cofty was Billy Beckett. He noted that Mr. Beckett's contract was very much like Ms. Venice's contract. He said Mr. Beckett had received a one year's severance pay and remarked that he had been with the County for sixteen years as the County Administrator when he left. He said Mr. Beckett certainly deserved more consideration than a five year employee.

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Chairman Dunn remarked that the contract would change over time but for now Ms. Venice already has this contract in place and it had already been approved. He said the attempt now was just to clarify the wording to ensure that people understand that any reason to separate her from this job other than for cause would leave her with some protections. He said he was certainly going to support this. He asked if the Board had any further comments or questions.

Commissioner Frady remarked that Ms. Venice had been offered a car allowance and she refused it.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the revised contract for the County Administrator. The motion carried 3-2 with Commissioner Frady and Commissioner Horgan opposing the motion.

**TRAVIS HARDY APPOINTED TO TWO RIVERS RESOURCE, CONSERVATION AND RESOURCE, CONSERVATION AND DEVELOPMENT COUNCIL, INC.:** Approval of appointment of Travis Hardy to the Two Rivers Resource, Conservation and Development Council, Inc. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**AL GILBERT APPOINTED TO THE PLANNING COMMISSION:** Approval of reappointment of Al Gilbert to the Planning Commission for a three year term beginning January 1, 2007 and ending December 31, 2009. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

**JIM GRAW APPOINTED TO THE PLANNING COMMISSION:** Approval of reappointment of Jim Graw to the Planning Commission for a three year term beginning January 1, 2007 and ending December 31, 2009. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**BILL BECKWITH APPOINTED TO THE ZONING BOARD OF APPEALS:** Approval of reappointment of Bill Beckwith to the Board of Appeals for a three year term beginning January 1, 2007 and ending December 31, 2009. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

**MARIE WASHBURN APPOINTED TO THE LIBRARY BOARD:** Approval of reappointment of Marie Washburn to the Fayette County Library Board for a four year term beginning January 1, 2007 and ending December 31, 2010. A copy of

the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

**LISA RICHARDSON APPOINTED TO THE LIBRARY BOARD:** Approval of reappointment of Lisa Richardson to the Fayette County Library Board for a four year term beginning January 1, 2007 and ending December 31, 2010. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

**BOBBY BUTLER APPOINTED TO THE LIBRARY BOARD:** Approval of reappointment of Bobby Butler to the Fayette County Library Board for a four year term beginning January 1, 2007 and ending December 31, 2010. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

**DORTHA STINSON APPOINTED TO THE LIBRARY BOARD:** Approval of appointment of Dortha Stinson to the Fayette County Library Board for a four year term beginning January 1, 2007 and ending December 31, 2010. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

**FAYETTE COUNTY PUBLIC LIBRARY - REPLACEMENT OF DAMAGED TELEPHONE SETS:** Approval of staff's request to fund cost of replacing damaged telephone sets at the County Library by transferring \$1,475 from Contingency Account budget funds. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

**D.O.T. AGREEMENT FOR TRAFFIC SIGNAL AT INTERSECTION OF S.R. 74 AND STARR'S MILL HIGH SCHOOL:** Approval of staff's recommendation for the Chairman to sign a traffic signal application for the intersection of S.R. 74 and the Starr's Mill High School entrance. A copy of the Agreement, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

**WATER COMMITTEE RECOMMENDATION:** Approval of Water Committee recommendation to install standby power at the Water System Building on McDonough Road. A copy of the request, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

**ORDINANCE NO. 2006-16 - AMENDMENTS TO FAYETTE COUNTY CONSTRUCTION CODES APPROVED:** Approval of proposed amendments to the Fayette County construction codes as presented by the Permits and Inspections Department, to become effective January 1, 2007. A copy of the

request and Ordinance No. 2006-16, identified as "Attachment No. 21", follow these minutes and are made an official part hereof.

**LAKE MCINTOSH:** Approval of the conveyance/return of 13.447 acres to Peachtree Holdings, LLC, no longer required for the construction of the proposed Lake McIntosh, pursuant to an agreement dated February 28, 1991. A copy of the request, identified as "Attachment No. 22", follows these minutes and is made an official part hereof.

**DONATION OF RIGHT-OF-WAY ON OLD ROAD:** Approval to accept donation of right-of-way on Old Road from Ms. Eddie Mae Cannady for future road improvements. A copy of the request, identified as "Attachment No. 23", follows these minutes and is made an official part hereof.

**DONATION OF RIGHT-OF-WAY ON OLD ROAD:** Approval to accept donation of right-of way by James W. Smith and Anthony K. Smith on Old Road for future road improvements. A copy of the request, identified as "Attachment No. 24", follows these minutes and is made an official part hereof.

**DONATION OF LAND FOR PRESERVATION OF THE SANDY CREEK STREAM BANK:** Approval to accept donation of 4.51 acres of land for preservation of the Sandy Creek stream bank inside the Annelise Park subdivision. A copy of the request, identified as "Attachment No. 25", follows these minutes and is made an official part hereof.

**DONATION OF LAND FOR LAKE MCINTOSH:** Approval to accept donation of 8.565 acres to be used for construction and maintenance of the proposed Lake McIntosh from Peachtree Holdings, LLC. A copy of the request, identified as "Attachment No. 26", follows these minutes and is made an official part hereof.

**SENIOR CITIZEN CENTER - EASEMENT TO PROVIDE POWER:** Approval of Senior Citizen Center easement to provide power for the new Center under construction. A copy of the request, identified as "Attachment No. 27", follows these minutes and is made an official part hereof. (See Staff Reports)

**MALLET CONSULTING, INC. - NOTICE TO PROCEED:** Approval of staff recommendation to issue a Notice to Proceed for Design and Project Management to Mallett Consulting, Inc. for two intersection improvement projects (1) FC-1 Corinth Road at Highway 85 and (2) FC-17 Gingercake Road at Highway 92 at a cost of \$50,000 each, to be paid from the County's 30% SPLOST fund. A copy of the request, identified as "Attachment No. 28", follows these minutes and is made an official part hereof.



**WATER SYSTEM - LAB ANALYST POSITION:** Approval of staff's recommendation to upgrade a Water System Lab Analyst position to a Lab Manager position as a result of the increase in requirements for testing and quality control. A copy of the request, identified as "Attachment No. 29", follows these minutes and is made an official part hereof.

**FIRE AND EMERGENCY SERVICES - BID NO. 586 AWARDED TO SOUTHTOWNE MOTORS:** Approval of staff's recommendation to award Bid #586 for two Suburbans for the Department of Fire and Emergency Services to low bidder Southtowne Motors in the total amount of \$66,848, as previously approved through the Vehicle Replacement Program and the Board of Commissioners. A copy of the request, identified as "Attachment No. 30", follows these minutes and is made an official part hereof.

**FIRE AND EMERGENCY SERVICES - TWO WARNING SIRENS:** Approval of staff's recommendation to purchase two emergency warning sirens as approved in budget Account No. 34230920-542520, Project #P7010, in the amount of \$71,046. A copy of the request, identified as "Attachment No. 31", follows these minutes and is made an official part hereof.

**FIRE AND EMERGENCY SERVICES - BID NO. 591 AWARDED TO EMERGENCY-ONE, INC. BY FIRELINE, INC. FOR QUINT FIRE APPARATUS:** Approval of staff's recommendation to award Bid #591 for Quint Fire Apparatus to low bidder, Emergency-One, Inc. by Fireline, Inc. in the amount of \$1,056,944 and to appropriate an additional \$156,944 in funding from the Vehicle Replacement Fund. A copy of the request, identified as "Attachment No. 32", follows these minutes and is made an official part hereof.

**VEHICLE REPLACEMENT COMMITTEE'S RECOMMENDATION:** Approval of Vehicle Replacement Committee's recommendation to replace six County vehicles as follows: one vehicle for Sheriff's Criminal Investigations Division at \$28,503; one for Sheriff's Traffic Division at \$28,579; three vehicles for Sheriff's Field Operations Division at \$73,503; and one vehicle for Animal Control at \$35,000. A copy of the request, identified as "Attachment No. 33", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meetings held on November 1, 2006 and November 9, 2006.

**PUBLIC COMMENT:**

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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.

**Kee Sierra Leone:** Kee Sierra Leone said she was a resident of the Landmark Mobile Home Community and thanked the Board members for all of their hard work and effort in dealing with their recent sewer situation and for taking corrective actions in dealing with health and safety issues that abound in Landmark. She said in dealing with the immediate safety hazards of the sewer, the Board's actions were quick and non-wavering. She remarked that there were many residents in Landmark and she guessed that number to be between 2,000 and 4,000 residents. She noted that a lift station and pump were designed for a certain number of people or amount of usage. She said these pumps must be properly maintained but if an over capacity number of people were using that lift station and/or pump, it would continue to fail regardless of the amount of maintenance that was done. She said the residents of Landmark and other mobile home communities want a safe, health and clean community to live in. She said each resident pays an astronomical amount of rent to live in those communities.

Ms. Leone further remarked that in addition to rent, some of the residents pay hefty mortgages for their homes. She said they were also paying taxes to the State and local government. She said those people living in mobile home properties managed by the A.R.C. pay an excessive amount of rent in exchange for absentee management, property owners who perpetuate or create slum environments, a continual rise in rent and excuses for every request that residents have made to clean the community up. She remarked lot rent and mobile home properties not managed by the A.R.C. that were located in Fayette County charge 50% less for rent with utilities included. She pointed out that the newly hired community manager who was Ms. Kim Cook had been released on December 12<sup>th</sup>. She said once again Landmark Mobile Home Park had no community manager for the 500 plus homesites that were located there. She said the residents of Landmark and all of the other mobile home communities in Fayette County need the Commissioners' help. She said she was asking tonight that the Commissioners continue to work with these residents in obtaining safe, healthy and clean communities for them to live in. She said there were a large number of citizens in this community that want Landmark and other mobile home communities to be a valuable and good part of Fayette County and not the eyesore that these have been in the past. She said the residents were not asking the Board to fix their problems but asking the Board to work with the residents in order to resolve their problems. She said the ordinances and laws must change with the times or they risk becoming antiquated, ineffective and of no use to the locality they were supposed to protect.

Ms. Leone further remarked that there was no way that there could be a safe, healthy and clean community if the existing County ordinances and laws did not provide the means to swiftly, effectively and efficiently resolve serious issues like the one Landmark

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Mobile Home Park was currently facing. She said the County should be concerned that it was facing issues like Landmark, Marnell, Lake Edith and Phillips Service Corporation. She said it was very inefficient government to try and fix problems after they have occurred. She asked how many hundreds of hours have the staff alone spent in dealing with Landmark's issues, attorneys' fees, EMS man hours, County/City Managers time, Environmental Health Department's man hours, the Marshal's Office man hours, the Engineering Department's man hours and other man hours that she may not even be aware of. She said many dedicated Fayette County officials have made many trips to Landmark just to followup on problems. She questioned how much money this situation was costing Fayette County. She said if the County had the ordinances and laws in place that would swiftly, effectively and efficiently address these situations before they occur, it would save the County and the taxpayers a lot of money. She said there were several mobile home communities in this County and they could be facing these same problems that have occurred in Landmark Mobile Home Park. She said it did not have to be this way. She said the Board of Commissioners as County officials could fix these problems and could work with the citizens to make sure that everyone in Fayette County lived in a safe, healthy and clean community. He said because there will always be property owners like the A.R.C., everything possible must be done to protect Fayette County, the environment, and the communities and people who reside here. She said the citizens would like to work with the Board in reforming and/or amending ordinances and laws that affect the citizens and the community. She said she realized that the Board was limited in its manpower and did not want to overburden the Commission. She said she and many other concerned residents of Fayette County would act as additional man power. She remarked that this horrible and hazardous situation at Landmark Mobile Home Park had opened the door for many positive opportunities between the County, the City and the residents who reside within. She said in January 2007 she would be back as well as other concerned citizens to discuss, in detail, specific ordinances and/or laws that they felt should be reformed or amended to better the community and County as a whole. She said at that time they would continue to state their issues under public comment but would appreciate being placed on an agenda where they could exchange dialogue. She thanked the Board members for their time as well as their efforts in resolving this situation.

Chairman Dunn interjected that the Board appreciated Ms. Leone and the way in which she had gone about educating the Board on some of these problems. He said a lot had been done on this situation and the County staff had responded as well as it could. He said some of the issues fall under the State's purview and private property owners were responsible for a lot of this. He said in addition to the County property inspectors, the Marshals Office, healthcare employees, the County Attorneys' and in particular Dennis Davenport who has taken the lead in dealing with these property owners. He said Mr. Davenport had tracked these owners down and a lot of the things that were happening

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now were a result of what the County Attorney and the Assistant County Attorney have done on this situation.

Chairman Dunn asked if anyone else wished to speak under public comment.

**Angela Henton Fonda:** Ms. Fonda, a resident of the Westbridge Subdivision, said she wanted to commend Commissioner Horgan for the Town Hall Meeting that he held recently in North Fayette County and department heads who were present to answer any questions that citizens might have regarding County issues.

**Dennis Chase:** Dennis Chase remarked that he was the Chairman of the Line Creek Association. He commented on the Landmark Mobile Home Park and the environmental impact on Whitewater Creek. He said Whitewater Creek was one of six stream segments in Fayette County that were in violation of the State Clean Water Regulations on the 303 and 305 list and the Board of Commissioners has virtually no say so on these. He said the worst problems come out of Fulton County and Clayton County. He said this was one issue that this Board would have a lot of say so over. He remarked that the sewage spill was one that had been going on for quite a long time and it was contributing to a water quality problem in Whitewater Creek. He said he had sampled water from the Whitewater Creek over the last two or three years and there was basically a poor water quality stream coming into the County and this situation occurring in Landmark Mobile Home Park was not helping at all. He said the County definitely had the Park's attention right now but if there was no way to continually watch over this it would just be dropped. He said the County must make sure that the new contractor who was working for the A.R.C. who was supposed to fix all of these systems in the mobile home parks in Fayette County. He said in the past when alarms had gone off at this lift station, they had gone off for days at a time and no one had paid any attention and the sewage ends up going in Whitewater Creek. He said while the County did not take a lot of drinking water out of Whitewater Creek, the City of Fayetteville does. He said the danger was that after six months or a year this problem could go away and the County be back at the beginning. He said a lot of the problems had been fixed and the County had their attention but there needed to be a way to keep this situation in the front.

Mr. Chase further remarked that this mobile home park had a sewage connection to Fulton County and most of the other mobile home parks did not. He noted that all of these mobile home parks were sitting on sewage systems and septic systems with piping that was twenty-five to thirty-five years old already. He said there was no way to know what these lines were like or what maintenance was done on these lines. He said the rest of the water in Fayette County was very much in danger just from these kinds of communities.

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Chairman Dunn thanked Mr. Chase for all of the work he had done on this issue as well as other concerns in Fayette County.

Chairman Dunn asked if anyone else wished to speak under public comment.

**James Chichinsky:** James Chichinsky commented on the sewage problem at the Landmark Mobile Home Community and thanked the Board and staff for all of their efforts in helping get this resolved. He commented on the front page of the newspaper dated November 29, 2006. He said the issue at Landmark Mobile Home Park had made the front page and it had taken two months of this sewage problem to occur before something was done. He said he and his children had lived in this mess for two months. He said he had gone to anybody and everybody who could help him but finally he and his children had to pack up and leave their home. He said the problem was fixed on Friday and he and his children were back at home. He said he still had to make his house payment and the lot rent although they could not live there. He said he and his children should not have to live under these conditions. He commented on the alarms that went off during this sewage situation. He said the alarms had gone off on Friday night, Saturday night, Sunday night and Monday when he called the management office he was told that no one knew what the alarm was for and nothing was done.

Chairman Dunn remarked that this was a public health issue. He encouraged Mr. Chichinsky to call the County offices and notify officials when these alarms go off and management would be called to respond to this situation. He thanked Mr. Chichinsky for updating the Board tonight.

**STAFF REPORTS:**

**ATTORNEY MCNALLY:** Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute a Georgia Power Service Agreement relating to consent agenda item no. 23 for granting Georgia Power Company an easement to supply power services to the Senior Citizens Center. He pointed out that the base charges would be \$450 for the transformer and \$50 for the temporary meter and of course was subject to any problems that might occur with rock in that area. He also asked for the Board's consideration to authorize the Chairman to execute a Release for Construction to begin on this project.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Georgia Power Service Agreement as well as the Release for Construction to begin on the new Senior Citizens Center. The motion carried 5-0. A copy of the Agreement and the Release for Construction, identified as "Attachment No. 34", follow these minutes and is made an official part hereof.

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

**CHAIRMAN DUNN:** Chairman Dunn remarked that it had been a distinct privilege and a real joy in his life to have spent eight years with Fayette County and the last six as Chairman of the Commission. He said it had been a pleasure to serve such a wonderful community with such wonderful people. He wished the new Commissioners well.

**EXECUTIVE SESSION:** On motion made by Commissioner Frady, seconded by Chairman Dunn to adjourn to Executive Session to discuss two legal items. The motion carried 5-0.

Commissioner Wells exited the meeting at this time.

**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 4-0. Commissioner Wells was absent from the meeting.

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

There was a consensus of the Board for Attorney McNally to proceed in this matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Frady, seconded by Chairman Dunn to authorize the Chairman to execute the Executive Session Affidavit affirming that two legal items were discussed in executive session. The motion carried 4-0. Commissioner Wells was absent from the meeting. A copy of the Affidavit, identified as "Attachment No. 35", 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 8:50 p.m.

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Karen Morley, Chief Deputy Clerk

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Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25<sup>th</sup> day of January, 2007.

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Karen Morley, Chief Deputy Clerk