

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, May 25, 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.

**PROCLAMATION FOR “SONS OF THE AMERICAN REVOLUTION DAY”:**

Chairman Dunn remarked that this proclamation recognized June 9<sup>th</sup> as “Sons of the American Revolution Day”. Chairman Dunn remarked that this was an interesting organization that preserved the Nation’s history. He said the Board wanted to recognize that and thank them for all of the work that this organization has done to preserve this history. He said the Marquis de LaFayette Chapter of the Sons of the American Revolution has worked diligently for many, many years to teach and preserve the history. He read the Proclamation and the Board made this a part of the permanent record. A copy of the Proclamation, identified as “Attachment No. 1”, follows these minutes and is made an official part hereof.

**RESOLUTION NO. 2006-10 - ADOPTION OF THE COUNTY ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2006 AND ENDING JUNE30, 2007:**

Assistant Finance Director Mary Holland asked for the Board’s consideration in adopting Resolution No. 2006-10 which was the County’s proposed Annual Budget for fiscal year beginning July 1, 2006 and ending June 30, 2007. Ms. Holland read the Resolution at this time making it an official part of these minutes.

Chairman Dunn remarked that this was a public hearing and anyone who wanted to comment on the budget at this time could come forward.

Emory McHugh, 205 Royal Ridge Way, Fayetteville said he had noticed several items in this budget that were bothersome to him. He said firstly he questioned the strategic planning that had gone into this process. He stated that it had been reported by the Congressional Budget Office that the U.S. had lost \$410 billion for this last fiscal year. He said if this was put on an accrual basis, which most governments were required to do, the

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deficit was approximately \$850 billion last year. He pointed out that this would eventually have an impact on local government. He felt some of the social security benefits would be lost and because of the cost sharing that was being done through Medicare and Medicaid, insurance costs would continue to rise. He said this would definitely have an impact on local government. He called the Board's attention to the County's retirement system for the public safety personnel. He said the County was actually contributing approximately 7% of salaries. He said this was approximately 6.4% of the patrolmen's salaries at the Sheriff's office. He said his question to the Board from a strategic planning position in this budget was if the County was contributing enough money so that the public safety personnel would be able to retire at 55, 60, 65 or 70 or would they have to work until age 75.

Mr. McHugh said the second issue that he had come across was about the budgeted debt service fund. He said the proposed budget contained \$3.845 million in debt service payment. He said in the official statement that was issued in 2000 on the revenue bonds the Board would find that one of the covenants included therein was that any money that was left over after the project was supposed to be used to redeem those bonds. He said he looked at the 2005 coffer and it said that the Board of Commissioners had decided to keep that money and use it some time around 2023. He said this computed to him as a taxpayer that this Board had decided to charge him an additional \$10.5 million worth of interest over that period of time. He said basically \$22 million worth of his tax dollars were going toward this decision. He said more importantly from a professional standpoint he had another problem and that was if the County borrowed the money in 2000 not intending to spend it until 2023, he hoped the Board had gotten a legal opinion. He said the County was going to have trouble with the Internal Revenue Service because this could not be done legally. He said he did not understand why the County was going to need an additional \$12 million to \$13 million to finish the third floor of the new judicial center.

Chairman Dunn asked if anyone else wished to speak.

Jennifer Bevins said she was appearing on behalf of Southern Crescent Sexual Assault Center. She said they had submitted their proposal for \$10,000. She said the Center did service Fayette County as it was the sexual assault center for Fayette County and provided services and programs to the schools, civic organizations, as well as respond to the Fayette Piedmont Hospital when victims needed an advocate. She said Southern Crescent was asking the County for funding in the amount of \$10,000 which was approximately 4% of their budget so that they could continue providing services to the Fayette County citizens. She said over the last couple of years they had provided programs to approximately 1,000 Fayette County residents as well as servicing approximately 60 clients. She asked the Board to consider this \$10,000 request for funding. She said they did receive some funding from Clayton and Henry Counties and did have offices there. She said they would potentially like to have an office here in Fayette County as well but would need some support from the Commissioners in order to continue their services and programs.

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

On motion made by Commissioner Horgan, seconded by Commissioner Pfeifer to approve Resolution No. 2006-10 adopting the County budget for fiscal year 2006-2007. The motion carried 5-0. A copy of Resolution No. 2006-10, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**RULES FOR PUBLIC HEARINGS/REZONINGS:**

Commissioner Wells remarked that the public hearing on the budget was handled a little differently. She said for the rest of the items under the public hearing items, the format would be as follows. 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.

**ON-PREMISE CONSUMPTION POURING PERMIT FOR BEER, WINE, AND DISTILLED SPIRITS FOR OLD MILL FISH AND GRILL APPROVED:**

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Director of Community Development Pete Frisina stated that this item for the Board's consideration was the On-Premise Consumption Pouring Permit for Beer, Wine, and Distilled Spirits for Old Mill Fish and Grill, 1095 Highway 54 West, Fayetteville, Georgia. J. Neil Davis, Owner/Applicant. He said this property was located in Land Lot 127 of the 5<sup>th</sup> District, fronted on Highway 54 West, and was zoned C-C. He said this request was for a Change of Ownership.

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

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve the on-premise consumption pouring permit for beer, wine and distilled spirits for the Old Mill Fish and Grill. The motion carried 5-0.

**PETITION NO. 1170-06:**

Director of Community Development Pete Frisina read Petition No. 1170-06, Mary Ann Abna Estate, Owner, and Robert Mooney d/b/a Cobblestone South Development, Agent, request to rezone 40.48 acres from A-R to R-40 to develop a residential subdivision consisting of 27 single-family dwelling lots and one (1) community lot. He said this property was located in Land Lot 70 of the 7th District and fronted on S.R. 54 West. He said the Planning Commission recommended approval with two (2) recommended conditions (4-1) and Staff recommended approval.

Robert Mooney with Cobblestone South Development remarked that he was the agent for the petitioner. He presented pictures and a site plan for the proposed subdivision. He said this would be an upscale neighborhood with porches, sidewalks, street lights and would be located around a lake. He pointed out that the two green areas located on the upper and lower sides of the lake were the proposed parks. He said there were some sidewalks that would be going in around the lake. He said they wanted all of the homeowners to have access to the lake and enjoy all of the amenities. He said during the Planning Commission meeting there were some conditions that were put on this development. He said the first condition was wording regarding the Preliminary Plat and Final Plat that must indicate that all of the individual homeowners would be liable for the lake and the dam in accordance with the Georgia Safe Dam Program. He said the second condition was that the dam must be evaluated by the Georgia Safe Dam Program. He said County Engineer Phil Mallon had mentioned if it gets ten inches higher it would come under the Georgia Safe Dams Program. He said he had a letter from the Georgia Safe Dams Program in 2004 saying that this dam was exempt but they would be doing further studies to determine if it needed any additional work. He said they felt the dam might need this work, but they had not actually had a study done at this point.

Chairman Dunn asked Mr. Mooney if he was committed to doing this.

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Mr. Mooney replied that he was basically waiting to see if the Board approved this rezoning before spending more money on the project. He said he had no problem with the condition and if the request was approved he would have the study done.

Commissioner Horgan asked Mr. Mooney what would occur if the results of the study came back negative and involved more extensive work on the dam.

Mr. Mooney remarked that the applicant was willing to spend a lot of money since the lake would really increase the property values. He said they wanted to make sure the lake was preserved and no future developments down stream would be in any danger. He said they had some estimated figures for the cost and they were prepared to spend those monies.

Chairman Dunn clarified that the condition that the Planning and Zoning Commission placed on this was that the dam would be evaluated by the Georgia Safe Dam Program.

Mr. Mooney replied that the dam had already been evaluated.

Chairman Dunn noted that was done in 2004 and this condition was to have the dam re-evaluated by the Georgia Safe Dam Program.

Mr. Frisina interjected that this had come about during the Planning Commission meeting. He said once the study was completed, it would need to be resubmitted to Georgia Safe Dams so they could look at it again before the preliminary plat was finalized.

Mr. Mooney said he had spoken to the Georgia Safe Dam personnel earlier this week. He said they were not interested in coming back because the only thing that would change was if the height went up to 25 feet or if the amount of water went up to 100 acre feet. He said neither one of those had occurred. He said if it was a category I which was a danger to residents downstream, they would check it every three years but this was listed as a category II. He said if the Board wanted him to get another letter or have them come back he would be agreeable to that.

Chairman Dunn suggested Mr. Mooney work with Mr. Frisina on getting in touch with the Georgia Safe Dam Program. He said the Board would not want to put anyone below that dam in any kind of danger.

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

Bob Holbrook said he was the real estate broker who would be handling this project. He said he had a vested interest in this development and just wanted to emphasize the quality of the product. He said the builders that were already lined up to take the lots had built in High Grove Subdivision, New Haven and others. He said this was going to be the same quality subdivision.

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Chairman Dunn asked if anyone else wished to speak in favor of this 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 Pfeifer, seconded by Commissioner Horgan to approve Petition No. 1170-06 with two recommended conditions, discussion followed.

Commissioner Horgan said he felt it was important that the studies from the Georgia Safe Dam be taken care of.

Chairman Dunn said with the Board's motion for approval including the conditions, this would have to be done.

The motion carried 5-0. A copy of the recommended conditions, 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 adopting Petition No. 1170-06, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

**PETITION NO. 1171-06:**

Director of Community Development Pete Frisina read Petition No. 1171-06, Olivet Baptist Church of Christ, Owner, and Peggy Hall, Agent, request to rezone 9.01 acres from R-45 Conditional and A-R to R-45 to develop Church Facilities. He said this property was located in Land Lot 250 of the 5th District and fronted on Hwy. 314 North. He said the Planning Commission recommended approval (5-0) and Staff recommended approval.

Frank Oakley, 470 Ridgemont Drive, Fayetteville remarked that he was the Chairman of the Real Estate and Construction Committee at Olivet Baptist Church of Christ. He said the purpose of this rezoning was just a housekeeping matter so that they could bring all of their properties under the same zoning.

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. 1171-06 as presented. The motion carried 5-0. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution adopting Petition No. 1171-06, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

**PETITION NO. 1172-06:**

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Director of Community Development read Petition No. 1172-06, Paul E. and Valerie Reynolds, Owners, and Grant Shepherd & Associates, Agent, request to rezone 31.93 acres from A-R to R-78 to develop a residential subdivision consisting of 13 single-family dwelling lots. He said this property was located in Land Lots 8 and 16 of the 6th District and fronted on S.R. 85 South. He said the Planning Commission recommended approval (5-0) and Staff recommended approval.

Grant Shepherd remarked that he was representing Paul and Valerie Reynolds who were the owners of this property. He said they were requesting rezoning from the current zoning of A-R and would like it to be zoned R-78. He said the property consisted of 32 acres and they were requesting two acre lots for a total of 13 lots. He said this complied with the County's Land Use Plan. He said this was going to be a very nice upscale development even though the house plans had not yet been decided on yet. He said he would like to reserve any time that he had left to answer questions if there were any.

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 Horgan to approve Petition No. 1172-06 as presented. The motion carried 5-0. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 7", follows these minutes and are made an official part hereof. A copy of the Ordinance and Resolution adopting Petition No. 1172-06, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

**PETITION NO. 1173-06:**

Director of Community Development Pete Frisina read Petition No. 1173-06, Janice Ballard and Charles Ballard, Owners, and Greg Ivey, Agent, request to rezone 83.75 acres from A-R to C-S to develop a residential subdivision consisting of 36 single-family dwelling lots. He said this property was located in Land Lots 216 and 217 of the 4th District and fronted on Antioch Road. He said the Planning Commission recommended approval subject to two (2) recommended conditions (4-1) and Staff recommended approval subject to two (2) recommended conditions.

Greg Ivey said he was the agent for this application. He remarked that Ms. Ballard was his grandmother and Mr. Ballard was his uncle and was representing them in this rezoning. He said this land had been in their family for a long time since 1876. He said they had watched developments grow up around them. He said Horseman's Run had gone in next to them and really helped with the property values in the area. He said his grandmother was getting older and she felt it was time to go ahead and do something with the property. He said they had come up with a yield plan based on a two acre lot layout that would yield 36 lots. He said the lots would be located in the front portion of the property. He said this was all open pasture except for some sparse trees. He said this was one of the reasons

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they wanted to go for conservation subdivision (C-S) and that was to save the nice area in the back along with the creek. He said they were also going to put a club house in with a swimming pool, walking trails, and a picnic area in the rear. He said they had tried to come up with the best plan as possible for this property. He said the homes would probably start at \$500,000 and go to \$700,000. He said they tried to maximize the use of the property and save everything in the rear of the tract.

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

Cheryl Pressler said she lived across the street from the proposed development. She said she had spoken with Mr. Ivey who had assured her that it would be as good or better than Horseman's Run. She said they were very concerned with their property evaluation and after speaking with the Ballards she realized they were also concerned about this. She said neither of them wanted someone to come in who was only interested in making money. She said the Ballards had convinced her that the plat was a very good one that would keep this area "country".

Doug Ivey said he was speaking for the Ballard family. He said this property was owned and farmed by Edward Ballard for numerous years. He said with Mr. Ballard's passing the property was not used for farming or anything else. He said the family felt like it needed to move on and something must be done with the property to leave a memorial for Mr. and Mrs. Ballard. He said the layout was designed to accomplish this. He stated that the houses would be comparable to Horseman's Run or even better. He said there was a conservation area to preserve some wildlife. He said the family felt it was time to move on.

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

John King, 175 Reynolds Place in Horseman's Run, Fayetteville said he would be the nearest neighbor to the proposed development. He said after hearing from the Ballard family, he was not as opposed to this as he was before. He said he felt a lot better about this development. He said he had a couple of concerns. He said the first concern was the 2,100 square foot minimum house size. He felt that figure was low compared to the subdivisions that were adjacent to it. He said his second concern was the one acre lots. He said there were many one acre lots in Horseman's Run although the only lots that these abut up to were the lots in Horseman's Run that were sold as estate lots. He said most of those estate lots were 2 plus acre lots and his lot was 4.6 acres. He stated most of the lots in Jackson Estates were large tracts and some were even 7 acre lots. He remarked that the house lots that were affected were larger lots even though there were one acre lots in Horseman's Run. He said he could not speak in total opposition. He said he respected what the Ballard family wanted to do with this land and he liked the idea of keeping the deer happy. He said his main concern was the minimum square footage being 2,100 square



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feet. He said he felt this was too low for the plans that were proposed for the development.

Chairman Dunn asked if anyone else wanted to speak in opposition. Hearing none, he asked Mr. Ivey if he wanted to address any of these concerns.

Greg Ivey commented on the 2,100 square footage for the homes. He said this was only a result of the R-70 yield plan. He said he felt confident that every house in there would be 3,000 square feet or over. He said there would be some large houses in there.

Chairman Dunn asked Mr. Ivey if he would like to restrict himself to that figure.

Mr. Ivey responded that he would feel comfortable with 2,800 square feet.

Chairman Dunn said if Mr. Ivey wanted to self-impose a condition for a minimum of 2,800 square foot homes he could do so.

Mr. Ivey replied yes, he would agree to the minimum of 2,800 square feet.

Chairman Dunn felt that with the plans that had been discussed, these houses were going to have a lot more than 3,000 square foot homes. He pointed out if the Board approved this rezoning, then the applicant would be legally bound by the self-imposed condition of 2,800 minimum square foot homes.

Mr. Ivey said they would agree to that and would have no problem with the two recommended conditions and the self-imposed condition of 2,800 minimum square feet homes. He said with the selling price of the lots, these would have to be large houses.

Chairman Dunn asked for the distance between the lots in Horseman's Run and the lots in the proposed development.

Mr. Ivey replied that there was a lot of greenspace between them but several of the homes might be within sight. He pointed out that there was a 30 foot buffer along the side of the development.

Commissioner Horgan asked what was on the tract of A-R property that was sitting in the middle of the proposed development.

Mr. Ivey replied that was actually his grandmother's house. He said they had cut out six acres for her and buffered around her. He said she had an older brick home with a large shop and several barns.

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

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On motion made by Commissioner Frady, seconded by Commissioner Horgan to approve Petition No. 1173-06 with two recommended conditions as well as the self-imposed condition for a minimum of 2,800 square feet homes, discussion followed.

Commissioner Pfeifer said he felt it was ironic that it was not too long ago that the Board was talking about the Land Use Plan and adopting a process to extend it. He said he had commented on the fact that the current Plan was developed in the early 90's by citizens. He said he was not part of these discussions and did not agree with some sections, but felt extremely bound to follow his interpretation of what the Land Use Plan was. He felt the South part of the County should have large lots. He said he realized Horseman's Run subdivision was down there but that was approved by a previous Board. He said he had not voted on that application, but he would have voted against it. He felt it was a terrific subdivision but he did not think it was where it belonged. He said he could support a conservation subdivision but he would not be able to support this request.

The motion carried 4-1 with Commissioner Pfeifer opposing the motion. A copy of the recommended conditions, Staff's Analysis and Investigation, identified as "Attachment No. 9", follows these minutes and are made an official part hereof. A copy of the Ordinance and Resolution adopting Petition No. 1173-06, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

**CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING SECTION 8-62. UTILITY LOCATIONS, SECTION 8-63. SIDEWALKS, AND SECTION 8-64. RESERVED AS PRESENTED BY THE ENGINEERING DEPARTMENT:**

Chairman Dunn announced that the Planning Commission recommended to table the proposed amendments to the May 18, 2006 public meeting/workshop to allow further discussion. He said the proposed amendments would be readvertised for a future public meeting.

**ENVIRONMENTAL HEALTH FEE CHANGES APPROVED:**

Director of Environmental Health Rick Fehr remarked that the health departments throughout Georgia for a number of years had charged fees for many services that were provided. He said in order to get these fees approved he had to go through a process of first getting approval from a State District Office. He said this was the agency that oversees County Health Departments in multiple counties. He said there were currently eighteen health districts in the State of Georgia for the 159 counties. He said once approval was given and justification shown for the fees to the District Office, these fee requests were submitted to the Board of Health. He said if the fees were approved by the Board of Health, they then needed one last approval and that was from the County Commissioners. He said he had gone through the first two stages of the process and had

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received approval all the way through to the Board of Health. He said he was now presenting this fee request to the Board of Commissioners seeking its approval.

Mr. Fehr remarked that during his last appearance before the Commissioners there were some issues raised concerning a couple of the fees that were on the list. He said these issues dealt with the fees for individual residential septic tank permits and the fees for permits for repair or replacement of residential sewage systems. He said he had provided an individual onsite permit average cost analysis which followed a similar one that was used approximately six to eight years ago on previous fee requests. He said the individual lot residential fee was based on average times to carry out these responsibilities and the salary of the staff member carrying out the responsibility. He said this averaged between \$290 and \$325 in actual cost not including overhead. He remarked that the repair permit cost analysis came to an average of eight hours. He said based on the different salaries that were being compensated for it was costing between \$260 and \$292 not including overhead costs. He asked if the Board had any questions on these figures.

Chairman Dunn said he had no question about what Mr. Fehr had said but he did have some questions about the figures. He asked Mr. Fehr if he had any further information and Mr. Fehr replied yes.

Mr. Fehr further remarked that another concern was about the number of how much permitting and work load that Environmental Health was having. He said he was unable to come up with all of the figures because of some computer upgrades and office moves in the past few years. He said this showed fairly strong numbers in the 1980's for septic permits of 922 and 1,069 dropping down in 1989 to 565 permits. He said moving up to 1999 the figure went to 750 and in 2005 the figure was 862. He said there were a number of other statistics that showed some increase in time requirements. He said the complaints had gone from 7,000 figures in the 1980's up to the 10,000 and 13,000 complaints in 2005. He said individual conferences that were in person were in the approximate range of 2,000 to 3,000 in the 1980's have gone up to the 7,600 figure in 2005.

Commissioner Pfeifer said the report that he had in his packet showed that complaints were 364 and conferences were 13,720.

Chairman Dunn asked Mr. Fehr if the 13,720 figure for conferences and only 364 complaints was correct.

Mr. Fehr responded yes that was correct. He said for every complaint there would be a conference but not all conferences dealt with complaints.

Chairman Dunn asked Mr. Fehr what the difference was between a conference and an individual conference.

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Mr. Fehr replied that just a plain conference was a telephone conference. He said an individual conference was a conference in person.

Chairman Dunn asked if the first conference was a telephone call and Mr. Fehr replied yes that was correct.

Mr. Fehr further remarked that individual conferences were in person conferences. He said he had also included in the package a report of 2006 preliminary subdivision plats which consisted of four pages which went through May. He said the total number of lots that were being proposed was 1,116 lots and that was just for this year thus far. He said also included was a copy from a State District IV Services 2005 Newsletter. He said in this Newsletter under the Environmental Health changes, there was mention of new food service regulations that had been brought into effect February 15, 2006 and it indicated that there was going to be a significant increase in the amount of time that it was going to take to do food service inspections as a consequence of the changes in these regulations. He remarked that certainly these fees were impact fees and the community was continuing with growth. He said no one could foretell what the future economics would be and how much that would result in the amount of growth. He felt the history of Fayette County had shown that it had growth even through the most favorable economic times.

Chairman Dunn said the last couple of years had been some of the slowest growth in building permits that the County has had in twenty years.

Mr. Fehr remarked that many of the permits that his department was dealing with were not strictly from new residences. He said they were also dealing with permitting, repair and replacement of sewage systems for existing residences and commercial endeavors. He felt the largest growth period in this County was in the 1980's when the most sewage systems were being put in for residences. He said the typical lifespan that his department was seeing for a sewage system before starting a new replacement was in a twenty to thirty year time frame. He said the County was starting to approach a time when there would be the potential for a significant number of required replacement of sewage systems. He said that would require a certain amount of staff time to accomplish that.

Commissioner Frady asked Mr. Fehr how many permits he was anticipating the County would have this year.

Mr. Fehr replied that the proposed number of lots for the 2006 preliminary subdivision plats was 1,116.

Commissioner Frady said thus far the County was behind. He noted that last year the County only had 902.

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Mr. Fehr remarked that during the last several years the County has had several changes in the sewage regulations. He said these changes also involved additional time and effort to address the new requirements for those regulations. He said the Environmental Health fees were only a part of the total funding for the Health Department and for the Environmental Health section. He said the other source was grant and aid that the department receives from the State due to a contract that they have to enforce State regulations on sewage, food service, swimming pools, tourist accommodations and so forth. He said the other funding that they receive was from the County itself and that funding had been very generous to the Environmental Health Department. He said he did not expect any significant increases from either the State or the County and in fact over the last several years Environmental Health actually had some decreases in the State grant and aid as a consequence.

Commissioner Frady remarked that there had been 275 permits this year and 144 of those were for the City of Fayetteville and the City of Peachtree City.

Chairman Dunn said he just wanted to clarify what Mr. Fehr had said and that was that there had been a reduction in funding but not from the County but from the State of Georgia. He said he wanted to reinforce that statement. He remarked in the area of water, the County was getting unfunded mandates from the State every two weeks. He said the Environmental Health budget had been decreased as the requirements of surveying and inspecting had continued to increase. He asked if anyone in District IV gone to the State and asked for additional funding.

Mr. Fehr replied that certainly at budget time the State Department of Human Resources and the State Public Health Office deal with Legislators about the amount of monies that were going to be required for the various programs. He said there was challenge for Federal, State and local offices in the budgetary difficulties that were being had by each one of those entities. He said somehow the problems seem to flow downhill to the local level.

Chairman Dunn said the County has had this in every area where the County shares responsibility with the State of Georgia. He said the State has reduced their budget and they expect the County to compensate for that as well as putting additional requirements on the County. He said every government was struggling with this problem. He said it was very difficult for the County to keep up with this reduction.

Mr. Fehr remarked that Fayette County was known for its logo "Where Quality is a Lifestyle". He felt this was something that the community had come to expect and he felt the Environmental Health Department has provided a quality service. He said the staff's job was to prevent public health risks to the community. He remarked that an ounce of prevention was worth a pound of cure. He said the programs that Environmental Health was offering were beneficial to this community and staff had made every effort to make

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these quality programs. He said in order for them to continue that kind of quality, something would have to be done with funding so this could be accomplished.

Commissioner Horgan questioned how the proposal on the increase of fees would come back to the County citizens. He asked what type of programs would Environmental Health provide to help the citizens more so than what was currently available.

Mr. Fehr replied that it had been indicated that Environmental Health was getting not only more changes in the existing programs but in the last several years State requirements for swimming pools had been added. He said this was not a service that Environmental Health had previously provided. He said now this department was required by the State to address natural and manmade disasters. He pointed out that just this week there was an exercise testing the health departments on what would occur if there was the spread of the bird flu and how this would be handled locally. He said the environmental staff plus the physical health staff were members of the community services that met to participate in this exercise. He said this was now basically turned the environmental health job from a five day work week to a 365 day twenty-four hour a day on call job. He said the health staff would be expected to respond to any emergency any time it occurs whether it was manmade or natural. He said he would need the staff in order to do that.

Commissioner Frady remarked that the last time Mr. Fehr came before the Board his department had a four to six week backlog on permits.

Mr. Fehr replied that during the past two years there was a period of several months where his office was having that much of a backlog in being able to address permits.

Commissioner Frady asked what the backlog was now.

Mr. Fehr responded the current backlog was in the range of two to three weeks.

Commissioner Frady said he wanted Mr. Fehr to have enough personnel to do the job. He said he recalled last year that Environmental Health was short one person and did not fill the vacancy for a long time. He asked Mr. Fehr if this vacancy had been filled.

Mr. Fehr replied no, not at this time.

Chairman Dunn asked Mr. Fehr how long his department has had this vacancy.

Mr. Fehr responded at least four years.

Chairman Dunn pointed out that during that four years the Environmental Health Department had gone through a backlog yet no additional person was hired.

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Commissioner Frady asked Mr. Fehr if there was a problem in hiring someone to do the job.

Mr. Fehr responded that during each budget year Environmental health goes through the process with the District IV office and then that budget was turned over to the Board of Health for its approval.

Commissioner Frady asked if the County was funding the vacant position.

Commissioner Wells interjected that she might be able to clarify that. She recalled the position was funded but the funds were used to give increases to existing staff.

Mr. Fehr replied yes, that was correct. He said basically the position was not eliminated but just not filled.

Chairman Dunn remarked that because the position was not filled, the funds were used for something else.

Mr. Fehr replied yes that was correct. He said basically the justification and the reason it was approved was because during the last five or six years there had been a tremendous difficulty in hiring and keeping environmentalists throughout the State of Georgia although this was not necessarily a problem here.

Commissioner Frady asked Mr. Fehr if he had worked out the time needed for an inspection on a septic system such as how many can be done per day. He asked if Mr. Fehr had any information on that.

Mr. Fehr replied that it would be typical to do as many as four to five in a day.

Chairman Dunn asked Mr. Fehr if he kept any data.

Mr. Fehr replied yes they did.

Chairman Dunn asked if this was broken down in data on a per day basis.

Mr. Fehr responded that he was not sure if the data was broken down on a per day basis.

Chairman Dunn asked Mr. Fehr if he knew the average time per inspection.

Mr. Fehr replied that the information he provided the Board showed the average time that it would take an environmentalist to do a single permitting of either a new individual residence or a repair or replacement.

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Chairman Dunn asked what the time was for a new individual residence permit.

Mr. Fehr replied that the time for a new individual residence the average time was nine hours.

Chairman Dunn questioned the nine hours and said that Mr. Fehr had previously stated that the inspector could do five inspections in one day.

Mr. Fehr responded that the inspector did not do all of the things for this process in one single day. He said the process was not started and finished all in one day.

Chairman Dunn said the Board was just trying to obtain data on this process. He asked Mr. Fehr how the inspectors' time was scheduled for a day and broken down.

Mr. Fehr replied that essentially at 9:30 a.m. and 1:30 p.m. during the day the inspectors take the septic tank inspection requests that they have for installation from the contractors as an appointment that day. He said depending upon how many of those inspections each staff member has left over then they can handle any of those remaining requests such as food service inspections, tourist accommodations, swimming pool inspections or sewage complaints. He said there was no set schedule stating that a certain number of permits would be done on a given day. He said a lot of this depended upon what requests come in to Environmental Health each day. He said within the last year or two the County had asked Environmental Health to start reviewing every building permit, every addition, every swimming pool, and every deck added to determine and make sure that these things did not compromise the replacement areas that were required for each residence since 1986.

Commissioner Frady asked Mr. Fehr if Environmental Health did inspections on septic systems in segments like inspections on houses.

Mr. Fehr replied that due to the sophistication and changes in the types of sewage systems that his staff deals with, they were not able to do an inspection in a single day. He said because of the new requirements that there be a certain distance from driveways and waterlines and such, an inspection might have to be put on hold until these other things were completed. He said this inspection was not a one, two or three step inspection and not done all in one day.

Commissioner Frady questioned how many times an inspector would have to go to a home before final inspection on a septic tank could be done.

Mr. Fehr replied it might be as many as three or four times. He said the permits that were issued specify if a contractor encounters adverse soil conditions during the installation process, they must stop the work and contact the Environmental Health Department to come out and advise them on the situation. He said these contractors do not want to sit



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there and wait on Environmental Health to come out and they appreciate and need Environmental Health out there to advise them. He said to them time was money and money was time when it comes to their business.

Commissioner Wells asked Mr. Fehr if all of the fees that he was requesting were approved, could the Board be assured that he would hire an individual out of these funds or would these funds be used for something else.

Mr. Fehr replied that over 80% of his budget was for staffing.

Commissioner Wells said her question was if Mr. Fehr received those funds, would he hire somebody.

Mr. Fehr responded that the answer was absolutely yes. He said Environmental Health would have to hire someone. He said there was no choice. He said a letter from the Home Builders Association to Chairman Dunn indicating that they had initiated a conversation with himself due to the previous backlogs that he was talking about. He said the Home Builders would must prefer to pay a higher fee than to have to wait eight weeks for them to come out. He said this was a crucial issue to a business person.

Commissioner Frady asked Mr. Fehr how he could justify from going from \$275 on a single family residential sewage permit to \$350 and the next highest one for Carroll County was \$200.

Mr. Fehr replied that this was part of the process in the other 159 counties in the State of Georgia. He said for environmental fees to be approved they must go through a process first. He stated just the other day a contractor had indicated to him that Gwinnett County had just raised their repair permit fee up to \$250. He said in certain communities the fees were very low. He said even though this department was a government agency, it must look at operating more like a business. He said there was not going to be excess monies to just throw into an agency for whatever needs they need.

Commissioner Frady asked Mr. Fehr what kind of an increase he was looking for this year if all of these fee requests were approved by the Board. He asked what this would come out to in dollars.

Mr. Fehr replied said not knowing what the economy or other factors were going to be, he would have to estimate that Environmental Health could generate approximately a 10% to 20% increase. He said he would have no way to predict the future to tell the Board that this would be fact.

Commissioner Frady said the Board bases this kind of information on what was spent last year.

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Chairman Dunn said according to the information that Mr. Fehr had provided the Board, last year the Environmental Health fees were \$23,000 and if the Board approved what he was requesting now they would go to \$434,000. He said that was a whole lot more than 10% to 20%.

Mr. Fehr said the amount would depend upon which percentages were collected during that year. He said this would vary from \$223,000 up to \$434,000.

Chairman Dunn asked what "fee x 100% meant".

Mr. Fehr responded that this would be the new fee that they would were able to double or collect 100% more fees than what was collected previously.

Mr. Fehr said he had asked the Health Department Administrator Merle Crowe to prepare these figures and reflect the potential dollar amount differential that there would be depending on what actual fees were collected.

Chairman Dunn said the Board could not prepare a budget based on something like this.

Commissioner Wells suggested the Board approve these proposed fees with the exception of the proposed increase on the residential single-family onsite sewage permit. She felt \$275 for this permit was more than adequate especially compared with what the other counties were charging. She said she also could not justify an increase in the repair permit for single-family residential lot. She said she did not agree with doubling that fee. She said she would like to make a motion to that effect.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the fee changes for the Environmental Health Department as presented with the exception of the onsite sewage permit for residential single-family which would remain at \$275 and the repair permit for residential single-family lots which would remain at \$100, discussion followed.

Chairman Dunn noted that Fayette County was already charging the highest fee for onsite sewage permit for a single-family residential and he did not agree with adding \$75 to that. He said most of the fees were in the \$100 to \$150 range. He said he did not want to put Fayette County way above the District IV counties. He said this also applied to the repair fee for single-family residential lots.

Chairman Dunn remarked that Fayette County used to charge \$250 for every commercial permit regardless of size.

Mr. Fehr replied that was the figure previously approved by the Board of Health and Board of Commissioners.

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Chairman Dunn said now the suggested fee was as much as \$2,500 if it was a large commercial project. He said this would be a huge increase.

Mr. Fehr agreed and said that was what other counties were charging.

Chairman Dunn pointed out that anything with 10,000 gallons or more was the State's responsibility.

Mr. Fehr said that was partially correct. He said with a lot of things had been added such as swimming pools.

Commissioner Wells interjected that swimming pools had been added at least two years ago and that was not a new addition.

Mr. Fehr said the swimming pool fee was a new addition since the last fees were approved by the Board.

Commissioner Wells said the manpower was still the same as when it was added two years ago. She said this really would not reflect the fact that Environmental Health was six weeks behind in inspections. She said the County had more inspection requests in 2004 than in 2005 and the Environmental Health Department was not six weeks behind them. Chairman Dunn interjected that Environmental Health had not hired any new people since swimming pools came into the picture. He said staff chose to use that money for something else.

Mr. Fehr remarked that in the budget process that they have to go through, they have to get approval from District IV and the Board of Health. He said if the District or the Board of Health was not finding sufficient fund for a request, then they do not get what they request. He said he had put in requests to hire people and these had been denied. He said this was mainly because there was not sufficient funding from the three sources of State, County and fees. He said this had been the impediment that he had tried to express to the Board. He said this department was not going to receive more money from the State and he did not believe they should be asking for more money from the community directly. He said the only other resource available was to do this through fees.

Commissioner Frady asked if the motion was to approve the \$2,500.

Commissioner Wells clarified that the motion was to approve everything except the first and last item on the list.

Commissioner Frady pointed out that Environmental Health could approve everything up to 10,000 gallons for a sewage permit and the Environmental Protection Agency had to

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approve others for the community systems. He said if the County was going to charge \$2,500 for that, would this leave the County with some liability if the system failed.

Commissioner Wells felt this would not leave the County with any liability but felt it was incumbent on the County to go out there and do the job that the State was not doing.

Chairman Dunn remarked that three of the Counties listed for over 10,000 gallons per day were listed as being under the E.P.D. He said some counties like Fayette County were going to take responsibility and have their Boards of Health and Environmental Health Departments look into these themselves to protect the citizens. He said these counties were taking in a huge dollar cost in order to help their citizens because the State was not handling it.

Attorney McNally interjected that as he understood it the E.P.D. was perfectly willing to have local authorities review this.

Mr. Fehr clarified that there was a Memorandum of Understanding between the State Department of Natural Resources and Human Resources.

Attorney McNally said it was his understanding that Fayette County had basically wanted the local sanitarian to examine these. He said this was really a situation if the County did not have its local agent do this, then it would default to the State and they would issue a permit on it. He said the State had basically indicated that they did not have enough inspectors to look at these.

Chairman Dunn remarked that for anything over 10,000 gallons, Environmental Health could not approve to disapprove a permit. He said the State would have to approve anything over 10,000 gallons.

Mr. Fehr replied that the State would be the issuer of the permits but this was an additional layer. He said there were actually more requirements in it than what the State minimum law required.

Commissioner Frady said he recalled the State approving some of these permits without the County even knowing about it and Mr. Fehr agreed.

Commissioner Wells said this would at least give Fayette County some oversight.

Chairman Dunn asked for Mr. Fehr to clarify his definition of a backlog.

Mr. Fehr replied this was anything over two weeks on responding to a permit application. He said when this process starts approaching three, four and five weeks that would be a significant backlog.

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Mr. Fehr said the backlog was now approaching two to three weeks and this varied. He said at the current time there were seasonal type complaints such as mosquitos, high grass growing and so forth. He said Environmental Health staff did not address those complaints and were not responding to citizens who were having these types of complaints. Chairman Dunn asked Mr. Fehr what the environmental staff was telling the citizens who call them about a mosquito problem.

Mr. Fehr replied that the State's public health position was that the best thing to do was to protect oneself by either wearing appropriate clothing or an insect repellent or staying inside especially from dusk to dawn. He said this was the protection that citizens needed to do regardless of what else was being done about mosquitos. He said regardless of a spraying program or whatever else could be done it would only take one mosquito to give someone West Nile Virus, Encephalitis, Malaria or any number of other diseases that mosquitos carry. He said there was no way that Environmental Health could prevent that kind of situation by any other activity other than to advise the public that this was the proper way to protect themselves.

Chairman Dunn asked Mr. Fehr if, the Board approved these fees it would be a substantial increase even without these two, would there be another employee hired for Environmental Health.

Mr. Fehr said as soon as the department had enough funding to hire a person, it would definitely be done. He said if there was enough funding to hire two people, then they would hire two people. He said Environmental Health would needed these additional people.

Commissioner Wells said Mr. Fehr had previously stated that he had requested hiring people before and it had been denied. She asked if somebody was going to deny this again even if there was funding available.

Mr. Fehr replied no, that would not happen this time. He said the Board of Health had indicated that they support Environmental Health hiring additional people. He remarked that the Board of Health recognized that Environmental Health was at a point where they were going to hire somebody whether or not the budget supports this 100% or not.

Chairman Dunn remarked that Commissioner Horgan was now a member on the Board of Health. He asked that Commissioner Horgan keep the rest of the Commission informed as to the status of this situation.

Chairman Dunn interjected that not too long ago Environmental Health had gotten a call from a citizen regarding mosquitos and this person was told to call the County Commissioners.

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Mr. Fehr said he had not handled that call but his guess was if the person wanted to know if there was going to be a spraying program in the County, then the staff would suggest that the person contact the Commissioners' Office to see if there was a possibility of doing a spraying program. He said he would definitely not be asking for a spraying program. He said the best success kill rate on a spraying program was 1% of all mosquitos. He said spraying was a waste of time and effort.

Chairman Dunn asked if there were any further questions or comments. Hearing none, he asked for the Board's pleasure in this matter.

The motion carried 4-1 with Commissioner Frady opposing the motion, discussion followed.

Commissioner Frady said he could not vote in favor of this because he felt it was too much of an increase. He said the County had furnished Environmental Health money for the last four years for the purpose of hiring people and nothing was done.

Mr. Fehr commented that any of the fees collected turned out to be more than was expected, then the additional monies over and above what was needed to operate the Health Department would go back to the County. He said the Health Department could not just take this money and spend it anyway it pleased.

Commissioner Horgan interjected that something needed to be done in the form of education so that when these systems failed, citizens would know how to redo their systems and correct problems.

Chairman Dunn said the Board had just voted to approve a substantial increase in the Environmental Health fees. He said this Board felt the number one requirement here was for Environmental Health to hire one or two people.

Mr. Fehr replied that he was in total agreement with the Board on this fact. He said he greatly appreciated the Board's approval.

A copy of the fee schedule, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

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

**BID #566 - ASPHALT RESURFACING TO APAC:** Approval to award Bid #566 for asphalt resurfacing contract for SPLOST program to the low bidder-APAC in the amount of \$4,039,094.51. A copy of the recommendation, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**MARSHAL'S OFFICE:** Approval of a budget adjustment to transfer funds in the amount of \$1,599.21 from the County's General Fund to the Marshal's Office Vehicle Repair Service Account as a result of insurance reimbursement for a motor vehicle accident. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

**WATER SYSTEM:** Approval of the Vehicle Replacement Committee's recommendation to replace a 2001 Ford F150XL Vin #92814 for the Water System with a Ford Ranger. A copy of the recommendation, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

**FIRE AND EMERGENCY SERVICES:** Approval to provide funding from the General Fund Contingency in the amount of \$39,120 to assist in the acquisition and installation of four additional warning sirens. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

**SHERIFF'S DEPARTMENT:** Approval of budget adjustment to transfer funds in the amount of \$493 from the Jail Building Maintenance to project C6031-Jail Dexter Tour Verify. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

**LIBRARY:** Approval of budget increase for revenue to the Library from ICLE Satellite of \$150 by increasing the revenue account and increasing the Public Relations account resulting in a zero impact on the Library's budget. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

**PROBATE COURT:** Approval of Probate Court's request to transfer \$1,260 of unused budget funds in Technical Services, Seminars & Dues, and Lodging & Meals to cover various county retirement expenditures for FY2006. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

**WATER COMMITTEE RECOMMENDATION:** Approval of recommendation from the Water Committee to participate with the waterline extension on Goza Road and Old Greenville to the development being built by SWE Land & Development. A copy of the recommendation, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

**WATER COMMITTEE RECOMMENDATION:** Approval of recommendation of the Water Committee for an Eagle Scout project to build two purple martin houses at

Lake Horton. A copy of the recommendation, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

**MCINTOSH TRAIL COMMUNITY SERVICE BOARD - KEN SCHALL APPOINTED:**

Approval of reappointment of Ken Schall to another three year term on the McIntosh Trail Community Service Board to begin July 1, 2006 and to expire June 30, 2009. A copy of the request, identified as "Attachment No. 21", follows these minutes and is made an official part hereof.

**FAYETTE COUNTY RECREATION COMMISSION - BILLY GUNNIN APPOINTED:**

Approval of reappointment of Billy Gunnin to the Fayette County Recreation Commission commencing April 1, 2006 and ending March 31, 2010. A copy of the request, identified as "Attachment No. 22", follows these minutes and is made an official part hereof.

**FAYETTE COUNTY RECREATION COMMISSION - ED QUATTLEBAUM APPOINTED:**

Approval of reappoint of Ed Quattlebaum to the Fayette County Recreation Commission commencing April 1, 2006 and ending March 31, 2010. A copy of the request, identified as "Attachment No. 23", follows these minutes and is made an official part hereof.

**SHERIFF'S DEPARTMENT:** Approval of request from the Sheriff's Department to upgrade a current Lieutenant position to a new job Class Code 739, Deputy Sheriff-Captain – When assigned to Homeland Security/Immigration Customs Enforcement. A copy of the request, identified as "Attachment No. 24", follows these minutes and is made an official part hereof.

**COUNTY HOLIDAY - JULY 3, 2006:** Ratification of July 3, 2006 as a County Holiday. A copy of the approval, identified as "Attachment No. 25", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners' meeting held on April 13, 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.

There was no public comment.

**STAFF REPORTS:**

**AGREEMENT WITH THE BOARD OF COMMISSIONERS AND UNIVERSITY OF GEORGIA COOPERATIVE EXTENSION SERVICE:** Attorney McNally remarked that this was a request from the Extension Service for the Board to continue the contract between



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the Board of Commissioners and the Board of Regents of the University System of Georgia on behalf of the University of Georgia Cooperative Extension Service. He remarked that there would be a budget increase for the Board of Commissioners from last year's \$50,480 to this year's \$53,820. He said the County pays a portion of the salary on the Extension Service Agents. He asked for consideration from the Board to authorize the Chairman to execute this contract.

Chairman Dunn asked Attorney McNally if this had been approved during the budget.

Attorney McNally replied yes and stated that this was the contract for what was approved.

On motion made by Commissioner Pfeifer, seconded by Chairman Dunn to approve the contract between the Board of Commissioners and the University of Georgia Cooperative Extension Service and authorize the Chairman to execute same. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 26", follows these minutes and is made an official part hereof.

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

**EXECUTIVE SESSION:** On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to adjourn to executive session to discuss three legal items. The motion carried 5-0.

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

The Board took no action on this matter.

**LEGAL:** Attorney McNally and the County Administrator reported to the Board on a legal matter.

The Board took no action on this matter.

**LEGAL:** Attorney McNally reviewed a legal matter with the Board.

The Board took no action on this matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that three legal items were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 27", follows these minutes and is made an official part hereof.

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There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:15 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 22<sup>nd</sup> day of June, 2006.

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Karen Morley, Chief Deputy Clerk