

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, October 10, 2002, 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
 Peter Pfeifer
 A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
 Carol Chandler, Executive Assistant
 William R. McNally, County Attorney

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

PRESENTATION BY FEMA REGION IV DIRECTOR KEN BURRIS:

Chief Jack Krakeel said he would publicly and officially like to recognize FEMA Region IV Director Ken Burris. He said Mr. Burris was the former Fire Chief from Marietta, Georgia before he had gone to Washington, D.C. He said he had been a colleague of Ken's for approximately fifteen years. He stated that three years ago there was an effort at the Federal level to establish a Federal Grant Program for communities across this Country directing to local communities to assist fire departments in meeting the needs of their communities. He said from the point at which the program was authorized, and in the first year the elected officials appropriated and authorized \$100 million in year one. He said from the point of authorization to the point at which all of those funds were distributed to communities throughout this Country was exactly nine months. He said the man who had been placed in charge of putting this program in place was Ken Burris when he was the U.S. Fire Administrator. He said since that time Ken had become the Director of FEMA Region IV. He said Fayette County owed Mr. Burris a debt of gratitude for taking a program from its infancy through to its completion. He said nobody felt this could be done in this time frame and many people were looking for it to fail. He said it probably would have failed if it had not been for his talents in seeing this program through. He said tonight Fayette County was the direct beneficiary of the grant program. He said he wanted to personally thank Ken for his efforts while he was the U.S. Fire Administrator in getting this program implemented and what it had meant to the fire service across this Country.

Mr. Burris said it was really a pleasure for him to make this grant award to Fayette County. He said it had always stressed that things happen on the local level and not on the national level. He said in order for there to be a safer Nation and a safer Country it was incumbent on the community to see that the foundation was built at the local level. He said that was what this

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particular program was all about. He said he was also happy to see that this particular grant was going for some equipment that he felt was tremendously important.

He said this grant award was for the self-contained breathing apparatus that protects the very individual who was out delivering a life saving service. He said he wanted to commend Fayette County as a community for moving forward with that in mind. He said this particular grant was a fairly large grant award and it was actually the grant award that Fayette County had received. He said a lot of effort goes into the grant applications and this particular grant award was for \$315,716 for safety equipment. He said Fayette County should really be proud of its Fire Department. He said Fayette County's Fire Department was on the cutting edge of Fire Departments in this Country and did an excellent job in their grant application to receive this award.

Chairman Dunn said the Board of Commissioners and the citizens of Fayette County were very proud of the Fire and Emergency Services in Fayette County. He said among other things they must train hard and had a very dangerous job. He said everyone could see that they did a very good job of anticipating their needs. He said this grant took hundreds of hours of work on the part of the firemen and administrative staff and with Chief Krakeel's guidance. He said the Board was again proud to say that Chief Krakeel was Fayette County's Chief and his staff was unbelievably talented. He congratulated Chief Krakeel and the Fire and Emergency Services staff.

ADOPTION OF MILLAGE RATES FOR THE LEVY OF 2002 AD VALOREM TAXES:

Finance Director Mark Pullium said he was presenting the proposed millage rates for fiscal year 2003. He said he would also present some comparisons from the previous year. He said the actual amount for the fiscal year 2002 started out at 9.84 as a gross M&O mill rate less the Local Option Sales Tax roll back for the incorporated area generating a net M&O mill rate of 7.585. He said in fiscal year 2003 the county would start off with a 9.248 gross mill rate with a Local Option Sales Tax roll back subtracted from that to get to a net M&O mill rate of 7.116. He remarked on the unincorporated area. He said the gross mill rate would start out at 9.84 and also in 2002 for the incorporated. He said the Local Option Sales Tax would be rolled back in the amount of 2.255 in 2002 and insurance premium tax of .945 mills in 2002 to give a net M&O mill rate for fiscal 2002 of 6.640. He said in 2003 the county would start off with a gross mill rate of 9.248 which was the same as it was in the incorporated area. He said the Local Option Sales Tax roll back would be 2.132. He said the figure for the incorporated and the unincorporated was the same amount. He said there was an insurance premium tax roll back of .918 and a net M&O rate of 6.198. He said in carrying that one step further if someone wanted to look at the bottom line, the actual rate in the incorporated area for fiscal year 2002 was 7.585. He said he was proposing 7.116 for a decrease of .469 for the incorporated areas of the county. He said in the unincorporated areas of the county it would start off with 6.640. He said the actual last year was 6.640 and he was proposing 6.198 or a reduction of .442.

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Mr. Pullium remarked on the Fire Tax District. He said the actual figure for the fiscal year 2002 was 3.778. He said by the reduction of the reassessed property values, it would become 3.582 as proposed in fiscal year 2003 or a decrease of .196. He asked for the Board's consideration and adoption of these proposed mill rates.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham that the Board adopt Resolution No. 2002-10 which establishes Ad Valorem Tax Rates and levies property taxes for general county government and educational purposes for 2002. The motion carried 5-0. A copy of Resolution No. 2002-10, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

JERRY SHOCKEY'S DISCUSSION OF THE CITY OF FAYETTEVILLE'S SOUTHSIDE MASTER PLAN:

Jerry Shockey said his discussion involved the almost 400 acres in the Fayetteville Southside Land Use Plan and included commercial and dense housing. He said he had lived in Fayette County for seventeen years and wanted to thank the Fayette County Commissioners for listening to the voters by maintaining commercial growth in other rezonings and an acceptable growth rate in keeping with the desirable environment that the citizens moved here for. He said the citizens accept growth but could not accept a greatly damaged way of life similar to other counties that only benefits a few people who may not live here. He thanked the Commissioners for what they had been able to do thus far. He said although he lived near the proposed rezoning, any changes would greatly affect all of the citizens of the City as well as the County adversely.

Mr. Shockey further remarked on the subject of schools. He said the Board of Education had sent a letter dated April 16, 2002 evaluating the impact of planned townhomes behind the planned Publix Supermarket. He said it had come out to over \$691,000 per year to educate the children of the area if it was rezoned. He said this was only a part of the whole dense housing plan in the proposed southside land use plan. He said in another letter dated August 30, 2001 the Board of Education had asked for twenty acres in the annexation area but the City had never responded according to a copy of the City file covering the past five years. He said one citizen had spoken with Mr. Meeks who was one of the owners. He said the resident was told a little over one year ago that it would cost \$100,000 per acre if the land was used for a park or a school.

Mr. Shockey further remarked on commercial development and traffic. He said both consulting firms emphasized that the City of Fayetteville already had too much retail space. He said it appeared the only way to support so much increased commercial property was to entice even more consumers from other counties by Fayette County's low 5% sales tax. He said this would result in a staggering traffic increase and crime. He stated the projected growth of the residences in the county would tax the planned road system without consideration for the over stressed "pavilion south". He said he had a copy of the letter that

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Fayette County had sent to the Mayor of Fayetteville regarding the traffic congestion if the city annexes behind the G.T.O.'s drive-in restaurant. He said he also had a copy of the County's memo dated in April, 2002 stating that State Highway 85 South and State Highway 92 South were not in any plans to be widened by the Georgia D.O.T. even by 2010. He said the citizens had moved here for the quality of the residential lifestyle and not to become the economic center of the South Atlanta area. He said anyone driving into or out of Fayetteville would be greatly affected by extreme traffic far beyond what was already there.

Mr. Shockey remarked further on the environmental questions. He said for several years the City had purchased water from the County during the summer because the City production could not keep up with the demand already. He commented that the septic tank systems located near the proposed rezonings would be adversely affected by water runoff increased by commercial buildings and parking lots. He said citizens had been consulting with the Line Creek Association and there was a concern that the Parrott Creek area which comes together South of Ingles had not been classified correctly by the City. He said if the water flow was checked it might be a perennial stream which supplies more than a nominal amount of water to the drinking water system as a part of the drinking water watershed identified by the Atlanta Regional Commission. He said the citizens are pursuing more information about this because it was obvious that the citizens cannot afford to lose or taint a possibly significant water source.

Mr. Shockey further remarked on the topic of crime. He said he had a 45 page report of the E-911 calls for the pavilion from 1995 through 2002. He said in the year 2000 there were 419 calls, in 2001 there were 376 and up to September 17, 2002 there were 338 already. He said these crimes involved anything from car theft, kidnaping, forgery, assault and battery, shop lifting, drug charges, vandalism, breaking into vehicles and so forth.

Mr. Shockey said the results of this rezoning would be catastrophic for the City as well as the County in terms of crowding and the need for new schools, crime traffic, etc. He said all of this would result in what he termed as a destroyed lifestyle. He asked that the Commission continue in opposing unnecessary annexations and the increasing density of dwellings. He said with the concerned citizens and the Commissioners it would be possible to keep this area a nice place to live. He said he had spoken to many residents and they were agreeable to the restraint that the County had exhibited by controlling the growth as they had in the past. He said he had one question that he would like to ask the Commission. He asked if the property located behind the G.T.O.'s restaurant was not annexed by the City would the County want to rezone it commercial.

Commissioner Wells replied that she had no plans to do that and she had not spoken with any of the Commissioners who wished to do this. She said that type of information was misinformation and there were no plans for the County to do that.

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Mr. Shockey remarked that he had not heard of any but he just wanted to know the Commission's point of view.

Chairman Dunn interjected that he certainly could not imagine that the County would do that. He said that would not be consistent with the county's land use and zoning decisions in the past. He said Mr. Shockey had made some comments about S.R. 92 being widened and this occurring in 2010. He asked Mr. Shockey where he had gotten that date.

Mr. Shockey replied that this date was in the memo.

Chairman Dunn remarked that the Georgia Regional Transportation plan that the A.R.C. has for approval on October 23, 2002 has the widening of S.R. 92 for 2020. He said there were two sections of this projects and they were both scheduled to be done in 2020.

Mr. Shockey said the memo that he had seen was dated April 26, 2002.

Chairman Dunn said the Georgia Regional Transportation Association would be voting on this on October 23, 2002.

Mr. Shockey interjected that from the time frame that it would take to widen and all of the problems that there would be during the construction would take several years.

Chairman Dunn asked Mr. Shockey the name of the group that he was representing.

Mr. Shockey replied there were many citizens from the surrounding subdivisions. He said he lived in Kingswood. He said there were members who had been meeting together from all of the subdivisions in the area including Woodgate, Wingate, Chanticlear and some in the subdivision close to the ball fields.

Commissioner Frady asked the people in the audience to stand who were present for this particular discussion in support of Mr. Shockey.

Chairman Dunn thanked Mr. Shockey for his presentation. He said it was his understanding as well as the understanding of the rest of this Board that the City of Fayetteville had formed a task force to consider some of these concerns. He said the decisions that would be made regarding land use in the City would be the City's decisions and not the County's. He said the Board empathized with the citizens in certain way but the Board was not sure what the total development was going to look like either.

Mr. Shockey said he was also using this time as a forum to advise the rest of the county. He said everyone that he had spoken with in the last five weeks was alarmed and not aware of

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this situation. He said the more and more that this information was getting out, he felt it would be pretty unanimous.

Chairman Dunn asked Mr. Shockey if he had presented this information to the City.

Mr. Shockey replied that he had not presented all that much to them.

Chairman Dunn said that would be the proper place to present this information.

Commissioner VanLandingham said a statement had been made in the newspaper that "they could do a better job of developing that area than the county could". He said he guessed this was part of the City's master plan and he was looking forward to seeing the entire project. He said he had just read today in the newspaper regarding the water situation in the metro area. He said the mentality in the metro area to this date had been what was good for me has to be what was good for the world. He said with the current dilemma in regard to water, this view needed to be changed to what was good for the world would be good for this area. He said he would like nothing better than to sit down with the other entities in the county, developers, business leaders, real estate personnel, and citizens to see what needs to be done with this county, when we want to do it and where we want to do it. He said that would be the best thing for this county if this could be done. He said what was happening now and the county was currently dealing with situations where development was going in and subdivisions were becoming thoroughfares. He said this was not a good thing for a subdivision to have to suffer through. He said if these things were put in the right place and get the best road system put in then there would not be any of these problems. He said it would take an effort from everyone to do this. He said he would support this wholeheartedly.

Mr. Shockey said the group was asking everyone to become in the future of Fayette County. He felt Fayette County was the greatest as far as he was concerned and he felt it could remain that way.

Commissioner Pfeifer remarked that he agreed with many of the points that Mr. Shockey had made. He said the Board's hands were somewhat tied on this issue and the decisions would be made by the City of Fayetteville. He said because that was true, it was critical that the citizens of the City of Fayetteville get involved at this point and make an impact on the decision makers. He said this was by far the best option.

Mr. Shockey said the citizens were working daily on that. He said every day they were speaking with citizens. He said this was strictly an educational process. He said most people had not known very much about this. He said in the past couple of days there had been some good articles in the newspaper. He said now more and more information was getting out.

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Commissioner Wells said she would like to commend Mr. Shockey and the other citizens and what they were doing to get this information out. She said she had the fortune of representing the county but also living within the City limits of Fayetteville. She said this issue was very near and dear to her heart. She felt it was incredibly important for the citizens in Fayetteville to talk to the officials who would be making this decision and letting them know their impact. She said anything that impacts the City even though it would be on the southside would impact the totality of the City. She said there has to be dialogue between both entities. She felt it was incredibly important that the citizens of Fayetteville get involved. She said these were issues that would bring the community together. She said elected officials on all sides need to know that the citizens were concerned and were involved.

Commissioner VanLandingham commented on the task force that the City of Fayetteville had put together. He felt this was also indicative of their search for a solution. He felt this would be a very good vehicle to give the message to the City that Mr. Shockey and the other citizens have. He suggested Mr. Shockey find the members on this task force and present them with this material.

DISCUSSION OF THE CLOSING OF HIGHLAND HILLS DRIVE AND THE OLD HIGHWAY 138:

Marcia Dunbar Funchez remarked that she was representing the residents of Highland Hills Subdivision. She said she was before the Board tonight to request that a cul-de-sac be put on old Highway 138 just East of Highland Hills Road. She said the Shenendoah Subdivision developers were slated to build 66 homes that would definitely create approximately 120 vehicles with two vehicles per home and three vehicles in some cases. She said it would also involve one or two children per household or more and visitor traffic per household. She said the current taxpayers of Highland Hills Subdivision had signed and submitted a petition requesting that a cul-de-sac be put in as stated above due to the following concerns. She pointed out that the two streets including Highland Hills Road and Highland Drive were very dangerous, narrow, winding hills and curves and were not two lane streets. She remarked that these streets were not wide enough to put the properly measured street lines for two way traffic. She said currently these streets absorb the traffic of the current homeowners and their visitors. She stated there were no sidewalks and no shoulders and these streets were the only means for the residents, senior citizens and children for playing, riding their bicycles and walking. She said there was church member traffic from the church located on the corner of Highland Hills and Highway 314 two to three days per week in order to avoid the traffic lights. She noted that on weekdays school buses pick up and drop off the neighborhood children. She pointed out that speeding through the neighborhood had increased with the increased traffic flow and they had already experienced property damage and were subject to potential personal injury. She said she was appealing to the Board of Commissioners to protect the rights of the current taxpayers of this community from harms way. She said by allowing this developer to direct the traffic of 120 plus vehicles through this neighborhood would not only be putting lives in danger because the streets were not equipped to handle that volume of

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traffic but the quality of life for the community would be ruined because of a developer's personal gain. She said this developer was subjecting the community to a very dangerous traffic situation for which citizens would like to be proactive in preventing any losses and proposed solution. She said in placing a cul-de-sac at old Highway 138 a few feet of Highland Hills Road would direct the residential traffic from the Shenendoah Subdivision to exit onto State Road Highway 138. She said a school bus would enter the new subdivision from State Road Highway 138 onto old Highway 138 and turn into the subdivision to pick up the school children. She said the newly created subdivision would be secluded and would not be affected or disturbed by any outside traffic being directed through the neighborhood. She said this did not concern developers since they do not live in the community. She said the developer would create havoc here and go back to their safe havens where their families enjoy a peaceful life without the worries of their children getting run over by traffic. She said once this developer completes and makes his money on this project, he would move on to his next money making project. She said the current taxpayers were extremely concerned that the developer was being given any consideration on this issue. She said the taxpayers had a right to be protected by the county. She said one life lost or serious injury before action takes place was one too many. She said the school buses were currently over capacity and another bus would have to be added to the route to accommodate at least thirty more children. She commented on the house located on the Graham property at 1660 Highway 138. She said the mailbox had been torn down and if someone were to build at that location, there would be three entrances to that property. She said the first driveway was on Highway 138, the second driveway was on old Highway 138 and the third driveway was east of the potential cul-de-sac. She said citizens had since been advised that there was a need for space for a cul-de-sac. She said there was a neighbor willing to donate enough of his land to provide a cul-de-sac eliminating the problem of no space for this cul-de-sac. She asked for the Board's consideration in this matter.

Commissioner Wells asked Public Works Director Lee Hearn if anyone from Emergency Services had been contacted about how this cul-de-sac might affect the area.

Mr. Hearn replied no that he had not talked to Chief Krakeel nor his staff about the impact of this.

Commissioner Wells asked Mr. Hearn if he had any concerns that it would have some impact.

Mr. Hearn responded that he had been at that location several times and had gone there today as well in order to get a feel for what was being discussed tonight. He felt things should be kept in perspective. He said the Shenendoah Estates that was being built along old Highway 138 was going to have 60 lots. He said it was unclear as to how many people would be coming out on S.R. 314. He said the street had not been completed at this point in time. He said it was anybody's guess to say how many trips per day were going to be generated

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through there. He felt that a vast majority of citizens when they go to work would go north either on to the airport or points beyond. He said this was pure speculation on his part. He said he did not feel that 60 lots was going to generate an enormous amount of traffic. He said in driving through Highland Hills Subdivision there were no sidewalks and no center lines painted on the road. He said this was not normally done in subdivisions unless it was a direct through street like White Oak Way. He said the street was not designed to carry thousands of cars per day but this involved only 60 additional lots in Shenendoah Estates. He said he had a problem in terms of building a cul-de-sac on an old state route. He said when the county had taken over the maintenance of that road years ago, the State had conditions that the county must comply with. He said at this point he had not checked the conditions where it might not even be legal for the county to construct a cul-de-sac on this road at this time.

Commissioner Wells asked Mr. Hearn if this involved widths of the road.

Mr. Hearn replied that many times when the county takes over maintenance on an old state route the State would place requirements on there in terms of utility work, driveway permits and a host of issues that would be made as requirements. He said the county would not have total control over those types of roads. He stated there was not a lot of these type of roads in the county but this was one of them.

Commissioner VanLandingham interjected that he thought that issue had been investigated and there was no conditions placed on the transfer of the road.

Attorney McNally remarked that as far as he knew there were no conditions on this road.

Commissioner Wells asked what type of emergency problems would be anticipated with a cul-de-sac there.

Mr. Hearn replied that he would build a cul-de-sac there if that was the wish of the Board. He said he would not recommend constructing a T-intersection or something of that nature. He stated he would not want anything where someone could turn around such as a school bus. He said this particular location was a tricky little spot in that there was a pond on one side of the road with a deep ditch and on the north side of the road there was a steep bank with a lot of rocks showing. He said this would not really be a clean job building that.

Commissioner Frady pointed out that he had been to that area and this was a very sharp and curvy drive.

Commissioner Wells asked if there would be any problem with wetland mitigation since there was a pond there.

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Mr. Hearn replied that he would approach it by extending the existing pipe that ties into Highland Hills Road. He said the pipe could be extended sufficiently where a portion of a cul-de-sac could be built over it. He said this should not be a real problem.

Commissioner Frady asked for the location of the new subdivision.

Chairman Dunn responded that it was located directly behind the property that the Board denied Clayton County sewer on.

Commissioner Wells said she had some real concerns with this issue. She said this was one of those situation where there was not an easy answer. She said the Board would have to be careful about setting precedents, meeting the current homeowners' needs, and a lot more issues to be considered. She stated her mind keeps going back to Wellington Place. She said Wellington Place was very similar to this situation. She said the Board had heard from those particular citizens on a number of occasions. She said Clayton County built something directly on the borders of Wellington Place. She said it was determined throughout the years that there had been a tremendous number of people in those subdivisions cutting through Wellington Place. She said those neighbors have come before the Board saying that there was excessive speeding, stop signs have not worked and people have run those as well. She said there had been many debates over the use of speed bumps and speed humps. She said this was a very similar situation. She said those homeowners had approached the Board at that time to also build a cul-de-sac. She said at that point in time it was an emergency situation that dissuaded the Board as much as anything else. She said she was very concerned and stated that this was really an extension of a subdivision across the county lines. She said this was basically an extension of a subdivision into Fayette County and would place a hardship on Fayette County citizens. She said there were sections of old Highway 138 where if two vehicles were meeting on the roadway, there was barely enough room for them to pass. She said her concern was that a school bus would be running through the Highland Hills Subdivision rather than going out on the busy major roads and people would be coming out of the Subdivision trying to pass the school bus. She said the county could have a serious problem on its hands. She said the roadway was narrow with no shoulders. She said this could turn out just like the Wellington Subdivision with speeders coming through. She said there would not be a simple solution to this problem.

Mr. Hearn remarked that there were a couple of reasons that he was not supportive of this. He pointed out that Shenendoah Estates only had one access out to State Route 138. He said if there was an accident there, then access would really be hard for the remaining citizens getting in and out. He commented on old State Route 138 being narrow. He said this was something that he could potentially widen and get it to at least a twenty foot width. He said there were some things that he could do to improve the traffic on the road to make it safer. He said if the cul-de-sac was built it would force all of the people in the new subdivision to come out on S.R. 138 and they would not have any other choice at all. He said S.R. 138 was

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an extremely busy road and many of those people would try to turn left coming out of old S.R. 138.

Commissioner Wells said she could think of a multitude of subdivisions in the county who only had one ingress and egress. She said she was not saying that these would be good things to do personally but she did not feel that this would set a new precedent in this regard either.

Commissioner Pfeifer said he agreed with the comments that were made. He said Highland Road was a very winding road. He felt the roads up there were just adequate for the traffic and the number of houses that they are serving right now. He said there were approximately 36 homes in the subdivision and discussion was to double that number. He felt to avoid future problems, he would support doing this pending any real objections from the Fire Department or the Sheriff's Department. He said he agreed with Commissioner Wells' statements that the people coming in now would be aware of the situation that they have now.

Chairman Dunn interjected that this was a really unique situation at this location. He said when someone first looks at this it was a subdivision that fronts on S.R. 138. He felt there was the potential for some other land to be developed and the cars would do the same thing if the Board did not stop this now. He said this would be the logical route for everyone who lives in this subdivision to get to S.R. 314 to shopping in Fayetteville. He felt the suggestion of widening the roadway would cause this to be a road for high speed. He said this was an old State road that had not been maintained very well. He said there was only one property owner who would be affected and no one was living on that property right now. He said there was no doubt that people would use this road as a way of winding through to get to S.R. 314. He felt this problem needed to be solved quickly before people move into this new subdivision. He said he had seen two plans both of which he felt would work. He said one would be a cul-de-sac that would find most of its space on the opposite road of the lake. He said if there was not enough room, there was another piece of property right on the other side where people would donate land to facilitate this. He felt there were two viable solutions and he wanted to proceed with one rather quickly.

Commissioner Frady asked how this subdivision would be serviced with a fire truck or an ambulance from Fayette County. He asked if it would have to go to Highway 138 and then go into the subdivision.

Commissioner VanLandingham replied no. He said the fire engine would have to go on Highway 138 but it was only two minutes from the new subdivision.

Chairman Dunn remarked that as there was more development in that area the problem would get worse. He felt the Board needed to solve this problem now before that happened. He felt

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it could be done with no damage to the stream. He said the pipe would have to be protected. He said from the estimates that he had seen, this should not be that expensive.

Mr. Hearn said the first step that he would need to make would be to get Jim Mallett to prepare a plat of the property that the county would need. He said he would then bring that to the Board for review. He said he felt confident that the county would have to acquire some property to build the cul-de-sac the way that it needs to be built so that there would be a safe turning radius for emergency equipment.

Commissioner Wells asked when the Shenendoah Estates Subdivision would be open for sales.

Mr. Hearn replied that he was not sure. He said the curb and gutters were in and the construction entrance was in place.

Chairman Dunn asked if there were any homes built there already that were ready to be sold.

Mr. Hearn replied no. He said the street was not in yet.

Chairman Dunn said the county needed to proceed in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer that Public Works Director Lee Hearn be directed to continue the appropriate review of the issue to determine and proceed with the most suitable design and construction of a cul-de-sac on Old Highway 138 in North Fayette County. The motion carried 5-0.

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

BID AWARD RATIFICATION - BALLFIELD LIGHTING AT BROOKS PARK:

Ratification of the bid award for ballfield lighting at Brooks Park to Glenn L. Parker Contractors, Inc. in the amount of \$92,580. A copy of the bids and Agreement, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

BROOKS BALLFIELD LIGHTING - TRANSFER OF FUNDS: Approval of request to transfer \$35,000 from the Capital Improvements Fund (from North Fayette Park to Brooks Park for Brooks ballfield lighting). A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

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BID AWARD NO. 401 - LARP PATCHING TO APAC-GEORGIA, INC.: Approval to award Bid #401 for LARP patching work to the low bidder, APAC-Georgia, Inc. @ \$67.54 a ton. A copy of the memorandum, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

APPOINTMENTS TO THE FAYETTE COUNTY HOSPITAL AUTHORITY: Darrell McKinney and Joan Smith reappointed to the Fayette County Hospital Authority. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

APPOINTMENTS TO THE FAYETTE COUNTY DEVELOPMENT AUTHORITY: Jack Smith, Dot Kite and Phil Smelley reappointed to the Fayette County Development Authority. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

APPOINTMENTS TO THE PUBLIC FACILITIES AUTHORITY: Chuck Watkins, Jack Smith and Mary Shaver reappointed to serve on the Public Facilities Authority. A copy of the memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

FAYETTE COUNTY HIGH SCHOOL DRAMA PUBLICITY COMMITTEE - SIGN REQUEST: Approval of request from Fayette County's High School Drama Publicity Committee to place a sandwich-type sign on the Old Courthouse Square from October 11 - October 13, 2002 to advertise for a musical to be held on October 24 - 25, 2002 at 7:30 p.m. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on September 26, 2002 and October 2, 2002

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.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one legal issue.

Commissioner Pfeifer requested an executive session to discuss one item of real estate.

Commissioner VanLandingham requested an executive session to discuss one potential legal item.

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Chairman Dunn requested an executive session to discuss one potential legal.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to adjourn to executive session to discuss one real estate and three legal items. The motion carried 5-0.

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

REAL ESTATE: Commissioner Pfeifer advised the Board on a real estate matter.

The Board took no action on this matter.

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

The Board took no action.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize the Chairman to execute the Executive Session Affidavit affirming that one legal matter and one item of real estate were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 9", 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.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of October, 2002.

Karen Morley, Chief Deputy Clerk