

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, June 9, 2005, 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 Venice, Acting County Administrator  
Dennis Davenport, Assistant 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.

**RECOGNITION OF THE 2005 GEORGIA 4-H FAYETTE COUNTY JUNIOR STATE TRAP AND SKEET CHAMPIONS:**

Chairman Dunn asked for Dennis Kuhr to come up and explain the Fayette County 4-H Shotgun Program.

Dennis Kuhr remarked that the Fayette County 4-H Shotgun Program had a shooting sports program in clay targets for shotguns. He said they participated in several different competitions this year. He said one was the Scholastic Clay Target Program. He said this was something that was established by the National Shooting Sports Foundation approximately four or five years ago. He said Fayette County participates in that State event that takes place at South River Gun Club at the end of April. He said they won the State competition in the junior experience team and the senior experience team. He said they also had a squad that got fifth place. He said all fifteen of the kids who shot in that event were qualified now to participate in the World Trap Shoot in Ohio in August. He said Fayette County has some very good shooters. He said the last five years that the event had taken place, Fayette County won four out of five years. He said they have kids who were very skilled. He announced the teams who had qualified to go to the Grand American World Trap Shoot in Vandalia, Ohio in August. He said they also participated in the Georgia 4-H State Trap and Skeet Event in Atlanta.

The Board presented certificates to the winning team members of the 2005 Georgia 4-H Fayette County Junior State Trap and Skeet Championship.

**RULES FOR PUBLIC HEARING:**

Commissioner Wells remarked that there were four items listed under the Public Hearing section of this agenda. She said the Chairman would read each one of the items and after the first item was read he would ask if anyone wished to speak on the item. She said at that point in time anyone in the audience who would like to come forward may do so. She said they would have three minutes to make comments. She said the Board did ask that once the person was finished they must sign in on the sign in sheet. She said the Board encouraged people to keep their comments to three minutes. She said anyone speaking should only address their comments to the Board of Commissioners and not to staff or other people in the audience. She said there would not be any dialog between the person speaking and the Board. She said any of the Board members would be more than happy to meet with anyone at any time but this was a time for people to give their feelings about various items listed on this agenda under public hearing. She said the Board would be listening intently and take all of the comments very seriously and under advisement. She said the Board appreciated people taking time to come out and participate in their government. She said the Board would now proceed with the public hearing.

**DISCUSSION OF THE COUNTY'S PROPOSED ANNUAL BUDGET FOR FISCAL YEAR BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006:**

Chairman Dunn said there would have to be two public hearings for the Budget for Fiscal year 2006. He said this was the first public hearing and the Board would not be voting on the budget tonight. He said the second public hearing would be held on June 23 and the Board would vote at that meeting.

Commissioner Frady pointed out that the Board had also held three budget workshops on May 16<sup>th</sup>, May 17<sup>th</sup> and May 18<sup>th</sup> discussing this budget.

Director of Business Services Mark Pullium remarked that the total general fund was \$47,604,412. He said the total special revenue funds amounted to \$9,525,257. He said total capital project and capital improvement programs amounted to \$126,139,761. He said the enterprise funds including the Water System totaled \$13,272,668 plus the internal service fund for vehicle replacement was \$283,039. He said this amounted to a total budget of \$196,825,137. A copy of the summary of proposed appropriations, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Chairman Dunn asked if anyone wished to comment on the proposed budget.

Jim Lancaster, 140 Southwood Court, Fayetteville said he wanted to comment on the allocation of funds for personnel on the Drug Enforcement Squad for the Sheriff's Department. He remarked that the mission of the Sheriff's Department was to protect and serve the public and a key to success in accomplishing any organization's mission was training good people, recruiting them to finding their mission and letting them perform their duty guided by their qualified professional supervisors. He said anyone who had seen the Sheriff's Department in action would have to agree that Fayette County had outstanding

leaders and hands on leadership. He said the county could be proud that we did not have the situation that existed in DeKalb County, Fulton County and the City of Atlanta yet. He remarked that more and more people from all over the world were coming to Fayette County for the good life, and affluence in this county had attracted and will continue to attract individuals and groups who wanted to prey on the citizens of Fayette County especially young adults and school age children. He said he was speaking from experience as having 36 years in public school service and 10 years as a principal of a large high school. He said this county must make the utmost effort to fight the intrusion of drugs by any legal means necessary or we would see the schools, our quality of life and our safety be dispersed and degenerate. He said the citizens did not want Fayette County to become just another feeding ground for criminals who prey on young and old alike. He said if the county succeeded from keeping just a few school age kids protected from these predators, it would be worth every penny that the county spent. He said whatever we have to sacrifice to accomplish that objective was certainly on every grounds justified. He said he knew what drugs could do. He said they were everywhere and we must fight them any way that we could. He said the best way was to put people out there in the field where the drugs were and allow them to deal with those who wanted to prey on the young people. He said it was his hope that it would not take a major incident with some tragic consequences for our officers and for us before we go ahead and give those people the help that they were asking for, needed and deserved.

Lee Richards, 591 Hampton Place, Woolsey said Mr. Lancaster had said just about everything that he wanted to say. He said Chairman Dunn had made a statement a few months ago about giving several million dollars to the senior citizens. He said he was a senior citizen but he said he would rather see the money used to protect him in the Sheriff's Department and support them rather than putting it into a place that 60 people used. He also commented on the county's "crown jewel" park located at the Clayton County line. He said this park would be a haven for criminals and gangs that the Sheriff's Department would need additional officers to patrol. He said Chairman Dunn had called this the county's "crown jewel" located on the Clayton County line. He said Chairman Dunn could read the article if he did not believe he said it. He said he would be glad to get the article. He said this would only create more problems for the county and the need for more officers for the Sheriff's Department. He said he would rather be protected by the good Sheriff that the county had and an adequate number of officers than he would a new building here for 60 people to go and use once in a while.

Chairman Dunn asked if anyone else wished to speak. Hearing none, he said the Board would move on to the next item under public hearing.

**ORDINANCE NO. 2005-13 - AMENDMENT TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE XIII. POST-DEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT:**

Acting County Engineer Phil Mallon remarked that this item was a proposed amendment to the Fayette County Development Regulations regarding Article XIII. Post-Development Stormwater Management for New Development and Redevelopment as presented by the Engineering Department. He said the Planning Commission recommended approval with one (1) condition 5-0 as follows: if the State permits the plan to be approved by a registered landscape architect the County would approve such addition to the ordinance. He said this item was tabled from the May 26, 2005 Board of Commissioners' meeting.

Mr. Mallon remarked that this item and the next two items were tabled from the May 26<sup>th</sup> Board of Commissioners' meeting. He said it was his understanding that he could not actually change what was approved by the Planning Commission. He said instead of changing the actual ordinance, he provided the Board with a list of suggestions that he asked the Board to consider incorporating into the ordinance.

Chairman Dunn asked Mr. Mallon if he had spoken with Commissioner VanLandingham about these amendments.

Mr. Mallon replied yes he had spoken with Commissioner VanLandingham and Commissioner Frady.

Mr. Mallon remarked that the first item was the proposed post-development stormwater management for new development and redevelopment. He said this ordinance was one of several developed by the Metropolitan North Georgia Water Planning District to protect water resources, environmental health and the quality of life in the Atlanta metropolitan area. He said the ordinance established post-development stormwater management requirements for new and redevelopment projects. He said this included water quality criteria, stream channel protection, over bank flood protection and extreme flood protection. He said provisions within the ordinance would help ensure that stormwater management facilities and practices were inspected and maintained on a regular basis to continue proper operation. He said this ordinance was mandated by both State law and it was a requirement of the county's small municipal separate storm sewer system under the NPDS general permit. He said by mandating he meant that the county would not have to adopt this exact ordinance but something very similar to it in its purpose or intent. He commented that over the course of developing this document, there had been a lot of discussions both with the Commissioners, the public and with the staff. He pointed out that this ordinance was just one of six elements comprising Fayette County's storm water management program. He said during development some pretty substantial issues had arisen. He said most importantly to him was whether or not this ordinance would protect or improve water quality and reduce flooding impacts, cost of maintenance and how would the county's existing detention ponds function and what sort of needs would those structures have and

what was the best way to address these needs. He said this ordinance did not address all of those but it was the first step in moving forward with them.

Mr. Mallon said he would like to mention two brief points that had come up recently. He said there was an idea to pursue a citizenry advisory panel that could be put together to help take advantage of the resources within the county both in terms of expertise, existing data, possible private money and most notably volunteer labor.

Mr. Mallon said the second idea would be to consider something the Board had discussed approximately one year ago and that was looking at a study to really get an idea of how many existing structures were out there and what sort of problems and maintenance needs they had. He said he could not really answer that right now with any amount of certainty. He said until there was some real information and possible input from a citizen's advisory panel, then a better plan could be developed to address those main questions that he had mentioned earlier. He said the main point to remember was that this ordinance was just one step and he believed the first step of a larger program.

Mr. Mallon asked the Board if they had reviewed his suggested changes. He said there were eight changes listed. He said most of these were strictly editorial where there was a typo that needed correction. He said three of them were based on recommendations either talking with Commissioners or the public. He said there was one additional item that he would ask to be added and that was the effective date of the ordinance. He suggested changing that from July 1<sup>st</sup> to August 1<sup>st</sup>. He asked the Board if they wanted him to go over the nine suggested changes and the Board said they had already reviewed them and that would not be necessary.

Chairman Dunn remarked that this was a public hearing and asked if anyone wished to speak on the suggested changes to the stormwater management plan.

Tom Kerlin, 1759 Highway 85 South, Fayetteville remarked that he was present as a member of the Fayette County Farm Bureau Board of Directors. He said he understood that nothing basically could be changed that the Planning Commission had recommended. He said they had wanted to bring up some issues with the Board but they had not seen the legal notice in time for the Planning Commission hearing.

Chairman Dunn said the Board could change anything in this proposed amendment and Commissioner Frady agreed.

Mr. Kerlin said they did have a concern about the items in the ordinance that called for prohibitive uses several times within the ordinance. He said he was referring to Section 8-203.

Commissioner VanLandingham interjected that this regarded the next ordinance amendment on the agenda.

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Mr. Kerlin said he would comment on his concerns when the Board discussed the next item.

Chairman Dunn asked if anyone else wanted to speak on the stormwater management issue.

Dennis Chase, 290 Crabapple Road, Fayetteville said he was here to support this ordinance but he had some real concerns about what had taken place and what had not taken place. He referred to page 17 under water quality. He said he was aware that these paragraphs came directly from the North Georgia Water District. He said he served on the Flint River Advisory Council for the North Georgia Water District and he was very familiar with these documents. He said the first sentence stating that as a result of all stormwater runoff generated it would be presumed that a stormwater management system complied with the requirement. He said if the county was going to pass an ordinance and then going to assume that it was working even with the best intentions, he felt there was a problem right from the beginning particularly where it talked about water quality. He said he had sat on the Flint River Advisory Council for the North Georgia Water District when they had reviewed in great detail all six of the ordinances that were under consideration. He said that work began over five years ago when Chairman Dunn had appointed him to that Council. He said since that time he had also served on the Peachtree City Stormwater Advisory Committee. He said he had begun work on that in early 2001 and they had reviewed all of these ordinances during that time. He said in June of 2002 the City of Fayetteville asked him to serve on their Stormwater Task Force where once again they had gone through all of these ordinances and the entire stormwater scenario.

Mr. Chase further remarked that one of the main problems with what was happening was that the county was so late in this process almost to the time that something must be done legally. He said he was afraid that the county would go charging in and not have everything worked out. He said he was glad to hear Mr. Mallon suggest a task force. He encouraged the Board to do this as quickly as possible and put this in high gear. He commented that all six of these ordinances were extremely important and extremely complex. He said if he tried to talk to the Board about all of the problems that he has had on the Flint River Advisory Council and all of the work that had been done on the two task forces, he would be here for a couple of hours. He said some of the processes were very complex and complicated. He said even with that this was still a better option to take than waiting and not taking any at all with the assumption that the Board would be willing to listen to the task force and information that they provide. He said some of these ordinances were dependent one on the other. He said it would be very difficult to apply some of this to existing residential areas, commercial areas, church parking lots and other areas. He said this was a massively complex issue and to be four or five years after everyone else was almost to their end it really concerned him. He said the county's was far more complex than any one of these cities. He said he recommended that the Board vote on this with Mr. Mallon's recommended changes but also put together an advisory council as soon as possible. He

said he did not feel the county would have the kind of product that it wanted here unless something was done along that line.

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

Commissioner VanLandingham said he had discussed this ordinance with Mr. Mallon and several other people. He said he had great concern along the lines of Mr. Chase and he felt the intent was good and he felt the county needed the ordinance but he did not think this was what the county really needed. He said he had read this thoroughly and this was a very complex issue to him and one that he did not quite fully understand. He said he knew the need for the ordinance was there but he still had a reservation about passing this ordinance for the simple reason that once it was on the books, it would take forever to do anything about it. He said he had made a statement that he probably would not vote for this ordinance but after tonight he would vote for it if there was a promise that there be a task force formed that would review these ordinances that would correct the issues that needed to be corrected. He said he understood the ramifications of not doing this. He said the county had a permit that it was trying to obtain for Lake McIntosh that would greatly affect that. He said he would vote in favor of this if that promise was there and moved on immediately and not wait six months to start. He felt this ordinance was so restrictive and so complicated that he saw an enforcement problem, a maintenance problem, a building problem and many other problems. He said he did not feel that this was going to work for the county. He said he recalled the individuals who had helped draw this ordinance up pass down a recommendation that the county put a pumping station for a waste disposal system down in Brooks. He said Fayette County did not even have a waste disposal system. He said not too many years ago there was an inventory and a testing of the county's streams. He said Fayette County had the cleanest streams in metro Atlanta but the county was having to do these things to satisfy the other groups. He felt there was a better way to do this. He felt this could be done if people who would be performing these duties every day were involved in this and not somebody up in Atlanta who knew less about it. He said if that promise was there then he would vote for it but if it was not then he would not vote for it.

Commissioner Frady said he had pretty much the same feelings as Commissioner VanLandingham had. He said this was a very complex situation and he felt this would just be a band-aid on something that might create bigger problems in the future. He said Fayette County was responsible for the end result regardless of what was done. He said if the homeowners were required to do this through an association, then they would have to pay for it. He said he was not in favor of this. He felt the county needed a stormwater utility that could be done in the entire county. He felt Fayette County needed to get started in that direction and he would support that. He said the E.P.D. was going to hold Fayette County responsible in any case whatever happened. He felt the county's 404 permit would be in jeopardy at this point. He felt the entire county should be protected and not just part of it at this time.

Commissioner Pfeifer said he also looked at this as a first step. He said the other ordinances as well were all first steps. He agreed that this was a complex issue and lots of room to improve but to be honest the county was proceeding to beat the State's mandates. He felt this was doing that in the least harmful way and setting up a process by which the situation could be monitored and tracked and make recommendations and give advice as to how to improve the situation. He felt this was the way in which to proceed.

Commissioner Wells said she agreed with Commissioner Pfeifer on this. She said this was not the panacea that was going to address the entire county. She said the county had been mandated and given the short time frame. She said the county was behind because bad information was received from the State. She said there were some things that the Board did not know that would have to be done and the county would have to do. She said Fayette County already had clean water but now the State was going to make the county take it to another level. She said this had not been anticipated. She said it was not that the county had been dragging its feet but that staff was trying to make sure that the least amount of harm was done. She felt this Board has had to address several times in the most recent past was that there were good intentions but sometimes there were unintended consequences for those good intentions whenever they were implemented. She said tonight the Board would have to be very careful. She said this was a first step. She said the Board could not address the entire county in the time frame that there was and if the Board sat back trying to address the entire county, then all of the deadlines would be missed. She said she felt that a utility was not the answer. She said this was not unprecedented in Fayette County. She said there were special tax districts now for street lights. She said there were situations for handling special circumstances for special areas. She felt the Board would be presumptuous at this time to go out and tax the entire county for a situation where it was only going to need to be addressed in a particular situation until there was a better understanding of what the Feds were going to require. She said the county knows that the Feds were going to come back and put other constraints on the county for existing development. She said the Board would have to take this one step at a time and not all at once. She remarked that this was the first step. She felt it was a good ordinance although it was not a perfect ordinance. She said there would never be a perfect ordinance in an imperfect world. She felt this was a good first response and the county had to move forward.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adopt Ordinance No. 2005-13 - Amendment to the Fayette County Development Regulations regarding Article XIII. Post-Development Stormwater Management for new Development and Redevelopment in its entirety as presented, discussion followed.

Commissioner VanLandingham asked if there was a commitment from the Board and engineering to follow up on this with a public awareness committee to research this.

Commissioner Wells replied no.



Commissioner Frady remarked that county staff had done a lot of work on this particular project, however the Board had met ten months ago and started this project which could have gone in either direction at that time and been further along than now and had total county coverage. He said he would like to have seen that happen. He said hopefully the county would get to that sooner rather than later because it was going to have to be done.

Chairman Dunn said in answer to Commissioner VanLandingham's question about a commitment, he said he would commit that he would certainly consider that but this was the first time he had ever heard of it. He said he was not prepared to say that he would definitely support that. He said he would not want to make a promise and then break it. He said he would certainly consider it. He said this ordinance like many others that the county would have to deal with was a result of the State sending the county these things. He said in a lot of ways they were huge unfunded mandates from the State of Georgia. He said he was a member of the Water Board when a lot of the work was done. He said if the county approved a storm water utility, it would be a storm water tax on the community. He said he was not ready to do that. He said if he could avoid a tax and still comply with the State laws then he would do it. He remarked that he was in favor of this regulation as it was written but he was aware that this was a first effort. He said the county would be consulting many people on future ideas and how things should be done. He said he was not ready tonight to say a storm water utility was the right direction to take. He pointed out both of the large Fayette County cities had done this. He said if the county had the density of those cities, it would probably be recommended to go that route too. He said the county had a much different problem than the cities. He remarked it was unsure exactly how that would evolve over the next months and years. He said there were a lot of regulations coming down for the county. He stated the last thing that he would be looking at was to comply with each regulation to create a new tax on the citizens. He said Fayette County was already in better shape in a lot of ways than some of the other communities that were doing this. He said some of the other counties had been overwhelmed by these regulations and they were struggling with them too. He said it was also unknown if the county submitted this in this form that the State would approve it. He said they may notify the county that changes might have to be made. He said at this point he was comfortable that the county should take this approach now.

Commissioner Frady commented that whoever does this in future development was going to be taxed to take care of this. He said half of the county was going to be paying a tax to protect all of the county to solve these problems. He said these subdivisions would be taxed and would have to take care of it and the county would have to supervise it to make sure that they did. He said the county would be handing down a mandate of its own.

Chairman Dunn remarked that developers would be spending more money. He said this might be the way the county would have to go in the future but he was not ready to go there yet.

Commissioner VanLandingham said the reason he had brought up the idea of the task force was that in talking with Mr. Mallon about this he seemed like this was a logical approach to it. He said he did not know what effect that this was going to have on homeowners in the very end result. He felt the Board needed to listen to what these people were saying. He said an ordinance might be written later that everyone could live with but right now this one was full of problems. He said he felt the task force would be the best way to do it because these would be the people who would have to abide by the ordinance and they could point out problems that the Board might not even consider. He said until that was offered, he would not be able to support it.

Commissioner Pfeifer commented on the advisory committee. He felt it was a good idea that there were citizens who could do an inventory to monitor the situation and make recommendations, however, that was not part of this ordinance. He said he would support the idea of a committee but that was not part of this motion.

Chairman Dunn called for the vote.

The motion carried 3-2 with Commissioner VanLandingham and Commissioner Frady voting in opposition. A copy of Ordinance No. 2005-13, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Mr. Mallon asked for clarification on the Board's motion. He asked if the motion included the nine changes that he had presented to the Board and Chairman Dunn replied yes.

Commissioner Wells said her motion was to approve this ordinance in its entirety.

Chairman Dunn said he understood the motion covered the nine items presented by Mr. Mallon.

Attorney Dennis Davenport said it seemed fairly clear that Mr. Mallon was presenting the changes as part of the ordinance and offered to go through those line by line.

**ORDINANCE NO. 2005-14 - AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE VII. WATERSHED PROTECTION ORDINANCE, SECTION 8-201. WATERSHED PROTECTION AREAS, 12. STATE WATER; SECTION 8-202. APPLICABILITY, B. SMALL WATER SUPPLY WATERSHEDS, 1., 2., AND 4., AND F. STATE WATERS; SECTION 8-203. RESTRICTIONS, F., 1., 2., AND 3. AND AMEND LETTERING OF REMAINING SECTIONS BY CHANGING EXISTING F. TO G. AND G. TO H.:**

Acting County Engineer Phil Mallon remarked that this item concerned Amendments to the Fayette County Development Regulations regarding Article VII. Watershed Protection Ordinance, Section 8-201. Watershed Protection Areas, 12. State Water; Section 8-202. Applicability, B. Small Water Supply Watersheds, 1., 2., and 4., and F. State Waters; Section

8-203. Restrictions, F., 1., 2., and 3. and amend lettering of remaining sections by changing existing F. to G. and G. to H. as presented by the Engineering Department. He said the Planning Commission recommended approval as submitted 5-0. He said this item was tabled from the May 26, 2005 Board of Commissioners' meeting.

Mr. Mallon remarked that Fayette County had an existing watershed protection ordinance that protected the larger water bodies within the county by establishing natural buffers in impervious area setbacks. He said this proposed change to the ordinance would expand the number of water bodies subject to the watershed protection. He said specifically the revision establishes 50 foot buffers and 75 foot setbacks along all State waters. He remarked that implementation and enforcement of the new buffers and setbacks would follow the same procedures already used for other sections of this ordinance. He said they would be used or applied to new development as site plans and building permit applications were filed with the county. He said similar to the stormwater ordinance, this change was mandated by State law. He pointed out that it was not necessarily a requirement of the NPDS permit. He said doing so would make the county's watershed protection ordinance substantially more protective than the Water Planning District's model ordinance. He also added that he felt buffers were the single most effective, efficient and cost effective manner of protecting both water quality and flood control. He further remarked that similar to the previous ordinance he had a suggested change that provided exemptions to agricultural operations and timbering operations.

Commissioner Wells asked Mr. Mallon what page the exceptions were listed and Mr. Mallon replied that it was a stand alone sheet at the front of the ordinance.

Chairman Dunn asked if anyone wished to comment on this item

Tom Kerlin, 1759 Highway 85 South, Fayetteville said in light of the recommendation he would like to say that he supported this recommendation for agriculture exemption. He commented on a section listed in the rules of the Georgia Department of Natural Resources Environmental Protection Division under the rules for environmental planning criteria. He said under Section 391316-01 it stated that local governments may exempt specific forestry and agricultural activities from the stream corridor buffer and setback area provisions of water supply watershed protection plans in accordance with certain conditions. He said there was not an agricultural activity in this county that would want to cause a problem with the drinking water. He said if the water was harmed, then this would also hurt their animals who drink from the streams. He remarked that under the buffers as outlined in this watershed protection ordinance Mr. Thames would not even be able to grow hay on his property next to the Flint River. He said the setbacks and buffers were such that in one particular section of the ordinance it called for 1,000 feet or the 100 year flood plain whichever was greater. He said because the ordinance specifically identified water sources as State water ways, major and minor local water sources, named and unnamed tributaries in and out of the watershed areas then that would include every piece of water anywhere in this county. He said he had small acreage that he raises his cattle and horses on thirty acres. He said there were two water sources on his property with one running on the back line of the property and another spring

that feeds that creek. He said technically he would have to fence off some tremendous amount of land just to keep his cows and horses away from water. He felt this was counter productive in the animal business. He said there were provisions that they work with from the Natural Resources Conservation Service as far as protecting water service. He said they provided money to help fund these things. He said if the Board incorporated the exemption for agricultural purposes the Farm Bureau would strongly support that. He said he would like to point out that there were specific items in this dealing with agricultural uses. He said under Section C3 Subsection D it stated that no chemical treatments and these included livestock would be allowed in the buffer. He said this was listed on page 8. He said if someone was going to grow hay in good bottom land, it would have to be fertilized. He said the livestock would either have to get to the water at some point or they would have to cross the water to get to the other side. He said sometimes farmers also had to take equipment across the stream. He said they understood stopping erosion and the degradation of water quality. He said agriculture was a very important industry in the State of Georgia with approximately a \$22 million impact. He asked for the Board's consideration on this.

Chairman Dunn thanked Mr. Kerlin for his input. He asked Mr. Mallon if he was satisfied with the agriculture and forest exceptions.

Mr. Kerlin said he had not heard the specifics but from what Mr. Mallon said it sounded good. He said he just wanted to make sure that there was no conflict. He said from his experience on the Planning Commission back in the 1980's, he understood that sometimes when there were conflicts that ten years down the road it might not be clear. He felt some of the issues that specifically addressed agricultural prohibitive uses needed to be either stricken or some clarification needed to be made.

Mr. Mallon remarked that he would be glad to meet with Mr. Kerlin regarding some of the references made with respect to the buffers. He said there was no 1,000 foot buffer anywhere as a requirement. He said that was a limit for which the watershed protection would apply. He said the main point that he would like to clarify was that existing agricultural operations were already exempt from the county's buffers and setbacks. He said even without the suggested exemption language they would remain exempt. He said this language would protect somebody who had a farm who wanted to parcel off a certain section, it would allow that their agricultural operation remain exempt instead of the watershed protection ordinance kicking in. He said this was put in specifically from selling off a portion of land and wanting to continue agricultural operations. He said he did agree with Mr. Kerlin's point that there were several areas in this ordinance where the language was confusing. He felt it would be appropriate to do a clean up and clarify certain issues so that it was interpreted and enforced in a different manner a month from now or years from now.

Chairman Dunn said the specific buffers and setbacks that were included in the ordinance that must be enforced were State law. He said the county was not creating new laws.

Mr. Mallon responded that the proposed changes were to bring the county into compliance with State law.

Chairman Dunn said Fayette County was not trying to be tougher than the State of Georgia and Mr. Mallon said no it was not and said the changes matched the model ordinance. He said the Board wanted to make sure that the county was fulfilling the law without creating undue harassment to the agricultural and forestry people. He asked Mr. Mallon when he had it in mind to get the clarifications back to the Board so that this was perfectly clear.

Mr. Mallon responded that he was going to start with street development and watershed would probably follow that. He felt it would be some time in the winter.

Chairman Dunn remarked that all of the criticisms of all of these five ordinances were going to be similar. He said this Board would go to the State and fight for anything that might cause undue damage to any of the county's citizens. He said if it turned out that the county could not enforce this without common sense then the Board could try and get regulation changes. He said he would definitely want clarification because some of the language was hard to follow.

Commissioner Wells questioned the statement in Section D that said no chemical treatment or livestock allowed in the natural buffer. She said she was not sure if this had been addressed. She asked if a tree farmer would be allowed to come out and create and plant trees in that natural buffer and fertilize and dye them. She said sometimes they add artificial greenery and things of that nature. She said the Board would have to be really careful when making an exception.

Mr. Mallon commented that "exempt" meant that the existing property did not have this buffer and setback with chemical restriction on it. He said this was because it was applied to new developments and reconfigurations of property. He said if there was a water body on the property that was subject to Section C of this ordinance and the person wanted to cut it half and continue agricultural on one half and development the other half, then this would apply to that.

Commissioner Wells said a person would have some constraint on his current buffer area.

Mr. Mallon said if it was an existing block that had not been reconfigured since May 1987, then the county's buffers and setbacks did not apply to that property.

Commissioner Frady said if a person owned 180 acres he would be grand fathered in but if he purchased ten adjoining acres he would lose the grand fathering.

Commissioner Wells said she was not sure if she was understanding this. She remarked that several years ago Mr. Futral wanted to put a tree farm out on County Line Road and he was not allowed to do that because he was going to be planting some of it in the buffer. She said

she just wanted to be clear that what the Board was saying here was that if someone currently had buffered land then they could fertilize or anything of that nature. She recalled Mr. Futral was going to sell the land for a pet cemetery at that point in time.

Mr. Mallon said he agreed that this was confusing and also if staff determined that Section C applied to a piece of property the person would be prohibited from doing chemical treatment within the buffer area.

Commissioner Wells said if this person had current land today this would be the case.

Mr. Mallon said staff did not look at these until someone brings it to them with a request to change things. He said if a person came in today with a piece of property and not changing the property lines and wanted to just build a building, staff would have to determine if the property had been reconfigured since May 1987. He said if the property had been reconfigured, then staff would have to enforce this chemical treatment restriction.

Commissioner VanLandingham questioned if a man had 100 acres and added 50 acres to it he might be enhancing the watershed rather than destroying it but he would lose his exemption.

Mr. Mallon replied yes that was correct.

Chairman Dunn asked if it could be stated with certainty that if anybody who was currently operating an agricultural or forestry operation in Fayette County was exempt from these new requirements.

Mr. Mallon responded that the exemption would only apply to the new buffers and setbacks that were created. He said nothing in the proposed changes before the Board today was changing any of the existing document. He said it was simply creating a new layer of buffers and setbacks that apply to streams that currently have no county setbacks. He said this would establish a 50 foot buffer and setback.

Commissioner Wells asked what would happen if the person wanted to extend the planting all the way to the banks of the existing property. She asked if a person could do that. She said the person had not planted there before and the property had not been reconfigured it since 1986.

Mr. Mallon said there would be a lot of variables. He said it would depend on what water bodies were on the property and what section of the watershed protection ordinance did it fall in. He said then staff would have to determine if the property had changed since 1987. He said if the property had not changed in any way since 1987, then they would not have a county buffer or setback on it. He said he or she could plant closer to the creek if they wanted to.

Commissioner Wells said it also stated no chemical treatment or herbicides.

Mr. Mallon replied the first question was did this apply to that property.

Commissioner Wells asked what would have to happen for this to apply to this person's property.

Mr. Mallon replied the property would have to have the water body that Section C falls under. He said if the property did have a water body on it then for that to apply they would have to reconfigure the property in some way .

Commissioner Frady asked if there were buffers on all property now.

Chairman Dunn said the county had some pretty tough buffers on major water streams and creeks. He said the issue that the State was talking about now was some little trickling creek on somebody's property. He felt it would be hard for the county to find some of these things.

Commissioner Wells said she just did not want existing farmers to be penalized unintentionally when the Board could have done something today to clear it up.

Chairman Dunn said the regulation received from the State referred to any new property. He said it did not say that if it was determined that there was a little stream on Tom Kerlin's property that was not protected before, then it would not have to be protected now.

Mr. Mallon replied that was his understanding and that was clearly how they were adopting it here.

Chairman Dunn said if Mr. Kerlin bought ten acres adjoining his property then what would happen.

Mr. Mallon said this was not an easy question. He said the first question would be what water body was on his property. He said if it was subject to one of the county's existing sections, then he might have a buffer problem. He said if it was strictly a small little creek that had been otherwise exempt and Mr. Kerlin added ten acres, then because of this exemption he would remain exempt. He said this had been worded specifically to protect agricultural and timbering as much as possible.

Commissioner VanLandingham said he has horses, farms and timbers on his property. He asked if he added one more acre or took one acre off and gave it to his daughter, then could he still cut trees and also allow his horses to go on the property.

Mr. Mallon replied that he would have to know what water body runs through the property.

Commissioner VanLandingham said there was a small stream that started on his property and runs into a lake and into another lake and then off the property.

Mr. Mallon said if Commissioner VanLandingham had agricultural operations, then he would be exempt.

Commissioner VanLandingham interjected that this ordinance was no different from the one that the Board just voted on. He said there had been a lot of discussion on this one and there were a lot of questions about this. He felt both ordinances were of the same caliber and had the same concerns and the same attention needed to be given to both of them.

Commissioner Frady said the exemption portion might need clarification so that people could understand it.

Mr. Mallon said from what he was hearing from all of the other metro counties in the area, this ordinance more than any of them was the one that everybody was having problems with. He said Fayette County was fortunate because of where this was going to apply. He said it would be for new developments with commercial developments and new subdivisions coming in. He said the county was lucky because subdivisions were a minimum of one acre. He said this would hurt the developer but to a much, much less extent than if the county was trying to develop at quarter acre or third acre lots.

Dennis Chase said he would like to comment on this ordinance. He said as an environmentalist there had been problems only with a very few issues and that was where there were farmers and/or forestry operations that did not pay attention to the basic best management practices. He said if they applied those, then everything that was of concern would fall into place without any problems whatsoever. He said the only times where there would be problems was when somebody would develop right up to the stream. He said all of the concerns would only be over a very few places and only in those instances where they did not comply with best management practices. He said if the county added best management practice requirement to these stipulations, almost 100% of the concerns that had been expressed would be solved. He felt part of the problems were the setbacks particularly on some of the major streams. He suggested the Board get together with Peachtree City, Tyrone and Fayetteville and discuss having a consistent set of definitions over all of the items that the Board was discussing here. He said he had reviewed all of the documents from all of the cities and it was hard to interpret these one from the other.

Mr. Chase further commented that there was a list of streams that had exemptions because they were major contributors to drinking water sources. He said Whitewater Creek was a drinking water reservoir up to a point and then for the next 15 to 18 miles before it leaves Fayette County it does not serve any drinking water source but it was still named as a stream. He said it was his understanding that it stopped where the drinking water withdrawal point was. He said that might lead to some confusion in this ordinance.

Commissioner Pfeifer asked if the ordinance that the Board just passed was necessary for Lake McIntosh and this ordinance being discussed now was not necessary.



Mr. Mallon replied that he believed that both of these ordinances were necessary for Lake McIntosh. He said he was not really in the permitting loop. He said the watershed protection changes were not necessarily required as part of the county's NPDS permit but they were required from the Metropolitan Planning District.

Chairman Dunn said it was his understanding that if the Board did not comply with these five ordinances then the State had one way of dealing with non-compliance and that was to deny permits. He said that was for both discharge and withdrawal permits. He said the State could reduce some and they could deny new permits if the county did not comply with all of the ordinances that were coming down. He said the Board would have to pass these in a timely fashion although he did not think this was a permanent document. He asked for clarification regarding two intermittent streams that were located on his property. He said there was plenty of water in them after a lot of rain but when there was not that much rain these were dry.

Mr. Mallon responded that was a tough call. He said if these streams were intermittent and they carried water for portions of the year beyond "wet weather only flow", they would be considered State waters and the buffer and setback requirements would apply.

Chairman Dunn remarked with that answer he did not know what to do. He said when it was raining there was water in these streams and it would continue for a couple of days thereafter.

Mr. Mallon remarked that this was a confusing issue and not just with Fayette County but with the entire State.

Commissioner Wells asked what could be done to minimize the confusion.

Mr. Mallon responded that a careful overhaul needed to be done of the regulation and not necessarily to change what it restricted but to clarify the way it was worded and to make certain that it could not be interpreted by different people in different ways.

Mr. Mallon said the county would have to provide a letter to the State from an attorney stating that the county's adopted ordinance met the intent or achieves the same objective as the model ordinances. He said the county never submits the actual model ordinance. He said the county should have done that for this one and the storm water ordinance in April. He stated that the had notified the State and they never responded.

Chairman Dunn asked if it was likely that the State would come back to the county and say that some of the issues proposed did not in their mind meet the letter of the law.

Mr. Mallon replied in his opinion the answer was no. He felt that what he had proposed here coupled with the existing ordinances met or went beyond in some cases because of the existing watershed protection.

Chairman Dunn stated the county attorneys agreed with that too since they had been before the Planning Commission and Attorney Davenport replied yes that was correct.

Mr. Mallon said the rewording that he was referring to was not to change the buffers and setbacks but just clarify some interpretation. He said if the Board suggested changes, then staff would draw up those changes.

Commissioner VanLandingham felt the grand father issue should also be dropped. He said if the property was currently grand fathered then he did not see where ten acres was going to change the operation of that at all.

Commissioner Frady said he did not mind adopting the ordinance but staff would have to clarify the fact of what was exempt so that everybody could understand it.

Tom Kerlin remarked that he just wanted to make two clarifications. He said under Section D it stated that if a reservoir was not constructed on or adjacent to a major water supply stream, the following shall supply to named tributaries within a 1,000 feet of the named tributary. He said it stated that under two permitted agricultural uses the minimum natural buffer was 400 feet as measured from the stream bank or 100 feet from the 100 year flood plain elevation whichever was greater. He said out at the Flint River the 100 year flood plain was a lot more than 1,000 feet. He said this referred to 100 feet from the flood plain. He said a person could not raise hay without fertilizing it. He said in Ohio, Kentucky, Indiana and Missouri the Ohio, Mississippi and Missouri Rivers run the bottom land. He said the land along those rivers was high dollar agricultural land. He said those people grow crops in that land and it floods every year. He said the E.P.A. had not come down and said they must restrict the use along those waterways. He commented on what the State said about exempting agricultural uses. He remarked that the State said that counties can exempt forestry operations and agricultural uses when land use practices were used.

Mr. Kerlin remarked that George Chambers was one of the State's representatives with the Farm Bureau and he has a big cattle operation in Carroll County. He said Mr. Chambers had a stream across his property that feeds directly into a water source. He stated in working with the E.P.A. and the Natural Resources Conservation Service, Mr. Chambers fenced off his creek. He said all Mr. Chambers had to do was run a fence along the edge of his creek to keep the cattle out of it and at certain points make crossings which he constructed with driveway fabric and put gravel over it so that the cows and his equipment could cross that creek without mudding up the bottom. He said the State did not make Mr. Chambers put a fence 300 or 400 feet away from the creek. He said the fence was along the creek bank. He felt this was an over reaction to a perceived problem that was not there. He said he appreciated Commissioner Wells' statement about existing farmers but he was also concerned just as much about the non-existent farmer that might come in here later and purchase 200 to 300 acres and have to fence off a creek running across the property because it was not a pre-existing farm. He said the county would just be telling the person that if there was a water

source on the property, his property was less valuable than the person who owned dry land.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adopt Ordinance No. 2005-14 - Amendments to the Fayette County Development Regulations regarding Article VII. Watershed Protection Ordinance, Section 8-201. Watershed Protection Areas, 12. State Water; Section 8-202. Applicability, B. Small Water Supply Watersheds, 1, 2, and 4, and F. State Waters; Section 8-203. Restrictions, F., 1, 2, and 3 and amend lettering of remaining sections by changing existing F. to G. and G. to H. as presented subject to future clarification of exemptions prior to the end of the year, discussion followed.

Commissioner Pfeifer said he wanted to make sure this was done to clarify that the Board did not intent that this ordinance restrict any existing agricultural or forestry operations at present and anticipating that the county would address any future such uses in an amended ordinance.

Commissioner Wells said she wanted to make sure that the Board was not giving a blanket exception so that the people who were not doing the best practices think that they were exempt. She said people who were using their best practices under current regulations could continue doing so.

Commissioner Pfeifer asked if it should say that people should be practicing the best management practices as recognized in the document.

Commissioner Wells replied that she was not sure.

Mr. Mallon said one of the challenges that staff would have in implementing that sort of language was that there the county had no permitting authority or leverage over agricultural operations. He said staff had considered adding that language about being exempt if the person followed the best management practice but felt at this point something that could not be enforced.

Commissioner Frady asked Mr. Mallon if he had reviewed the document before and Mr. Mallon replied no and said he would have to go through it.

Chairman Dunn asked if the Board was ready to pass this the way it was.

Commissioner VanLandingham said he felt the same consideration should be given to future farm operations that were going to practice good agricultural practices as the ones existing now.

Commissioner Wells said staff could review this.

Commissioner VanLandingham said he just could not see penalizing someone unduly who comes into the county in 2006.

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Commissioner Wells clarified that the motion was to adopt Article VII including Section 8-201, Section 8-202 and Section 8-203 as presented by Mr. Mallon subject to future clarification of exemptions prior to the end of the year.

Commissioner Pfeifer said he had reluctantly seconded that motion.

Chairman Dunn said he wanted to make sure that the current citizens involved in agriculture and forestry were protected. He felt in the review that would be done by the end of the year staff should also be looking at wording in this that facilitated the future use of land for those things too. He said there was very little of it left in the Atlanta region. He said those citizens who were here now needed to be protected and make it easy for new residents as well.

Commissioner Frady felt the exemptions in this ordinance now would take care of the people now until staff could rewrite and make this ordinance clearer.

Mr. Mallon said he agreed and felt he understood the Board's concerns. He said he had some ideas on how this could be reworded. He said he did not want to give the Board the impression that staff was trying to put an undue burden on the farm or timber community.

Commissioner Wells said she certainly understood that.

Chairman Dunn said the county needed to have best management practices. He said the county would have to do this right but also meet the requirement. He remarked that there was also a movement in Atlanta to try and prevent people from having any septic systems. He said if a county was required to put sewer in, then development could not be stopped. He said condominiums and apartment houses could not be stopped then. He said Fayette County would be one of the counties that was taking a stand on several of these issues in the next year or two.

Chairman Dunn called for the vote.

The motion carried 5-0. A copy of Ordinance No. 2005-14, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

Chairman Dunn remarked that as this process progressed he encouraged Tom Kerlin to make the Board aware of any issues that might need to be addressed. He said the county was going to try and do this right regardless of the State.

Commissioner Pfeifer interjected that regardless of the financial value that agriculture had on the county it went way beyond the value of the hay that was grown or the horses or the cows and everything else. He said this was a way of life and that has value to everybody here. He said this makes Fayette County what it was. He said agriculture was a tremendously valuable resource for Fayette County.

Chairman Dunn said he agreed with Mr. Kerlin that nobody should have their property devalued because there was a water source on their property and that sounded like it might happen here. He said he had not thought about that until Mr. Kerlin mentioned it and staff would definitely review that.

**ORDINANCE NO. 2005-15 - AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE III. STREET DESIGN STANDARDS AND SPECIFICATIONS, SECTION 8-52. RESIDENTIAL ACCESS (A) RESIDENTIAL DRIVEWAY CUTS AND (A)(1); (3) EXCEPTIONS, (C) CIRCULAR DRIVEWAYS; SECTION 8-48, MINIMUM RIGHT-OF-WAY WIDTHS AND DEDICATION REQUIREMENTS, (1) MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTHS, MINIMUM PAVEMENT WIDTH:**

Acting County Engineer Phil Mallon remarked that this item concerned Amendments to the Fayette County Development Regulations regarding Article III. Street Design Standards and Specifications, Section 8-52. Residential access (a) Residential driveway cuts and (a)(1); (3) Exceptions, (c) Circular driveways; Section 8-48. Minimum right-of-way widths and dedication requirements, (1) Minimum right-of-way and pavement widths, Minimum Pavement Width as presented by the Engineering Department. The Planning Commission recommended approval as submitted 5-0. He said this item was tabled from the May 26, 2005 Board of Commissioners' meeting.

Mr. Mallon said staff was looking to change the section of Article III of the Development Regulations regarding street design to allow people to have two driveway cuts instead of one. He said the Board tabled this at their May 26<sup>th</sup> meeting and he heard the primary concern being the existing language would allow somebody potentially to have two circular driveways with a total of four curb cuts. He said the proposed language before the Board would replace the existing Section 8-52 a.3.c. He said in addition he had also provided some additional language on the turnaround portion of a cul-de-sac. He said currently the county allowed lots that abutted the turnaround portion of a cul-de-sac to have just 50 feet of road frontage. He said he questioned if the county would want somebody to have the ability to have three curb cuts within that 50 feet. He said he did not know if anybody would ever want to do that or if the Board felt like it needed to be prohibited but the bottom paragraph would address that issue.

Chairman Dunn said one of his concerns was that somebody with a large piece of property needed to be able in some cases to have more than one driveway to get some of the use out of their property. He said this was what the Board was trying to accomplish without having an unnecessarily large number of curb cuts. He asked if this would take care of that now. He asked if somebody could get to the back of a road if they wanted to.

Mr. Mallon replied that a person could use adjacent roads or back roads if it was within the subdivision and had the same classification as the road their existing driveway was located. He said this would give somebody an option to have a second driveway minimum for agricultural drives used just to get trailers in and out. He noted that access fields were not

regulated through this although he felt that was a point that should be clarified because it could be interpreted differently.

Commissioner Frady said if he had a driveway in front of his house that came into his garage but he had a garden shop in the back that he needed to haul seed or whatever, could he have another driveway to go to the garden shop.

Mr. Mallon replied yes, he could have two driveways under the proposed change.

Commissioner Wells asked if someone could have two circular driveways on one piece of property.

Mr. Mallon replied no, not with the top paragraph listed. He said two circular driveways would be prohibited.

Commissioner Wells said she just wanted to clarify that.

Commissioner VanLandingham asked if this provided for a large operation that had cattle.

Mr. Mallon said staff considered that access for cattle or access to farm land a residential driveway.

Mr. Mallon said staff had found homes that had been recently built, inspected, permitted and Certificate of Occupancies issued in which they had multiple driveways. He said the existing process was not working and staff had taken measures to hopefully address that.

Chairman Dunn said people could have two driveways but only one could be circular.

Jim Lancaster, 140 Southwood Court, Fayetteville asked the Board how many times has this been a problem for the county in the past.

Chairman Dunn suggested Mr. Mallon meet with Mr. Lancaster after the meeting to discuss that.

On motion made by Commissioner Wells, seconded by Commissioner Frady to adopt Ordinance No. 2005-15 - Amendments to the Fayette County Development Regulations regarding Article III, Street Design Standards and Specifications, Section 8-52. Residential Access (a) Residential Driveway Cuts and (a)(1); (3) Exceptions, (c) Circular driveways; section 8-48. Minimum right-of-way widths and dedication requirements, (1) minimum right-of-way and pavement widths, minimum pavement width as presented with the new changes. The motion carried 5-0. A copy of Ordinance No. 2005-15, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

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

**EMERGENCY SERVICES:** Approval of request from Chief Jack Krakeel for a budget adjustment in the amount of \$1,231.72 from the General Fund to Public Safety Vehicle Repair account #10030100-522233. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**STREET LIGHT DISTRICT:** Approval of request from the Engineering Department to approve Newhaven Subdivision Phase I as a Street Light District in Fayette County. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for the Board of Commissioners' meeting held on May 26, 2005.

**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:**

**DISCUSSION OF REGIONAL IMPACT NOTICE:** Assistant Planning Director Pete Frisina remarked that the county had received a notice from the Chattahoochee-Flint RDC regarding a development of regional impact that would be taking place in Senoia, Georgia just South of Peachtree City. He said this was a subdivision on 760 acres consisting of 663 single-family detached homes. He asked for the Board's consideration in authorizing the Chairman to sign a letter to the Chattahoochee-Flint RDC stating the Board's opposition to the proposed Twin Lakes residential development on 760 acres consisting of 663 single-family detached homes in Senoia. He said the impact of this subdivision would have a tremendous impact on Rockaway Road and at the intersection of Rockaway Road and S.R. 74. He said both G.R.T.A. and the City of Peachtree City had stated that this was going to be a problem. He said this letter just reinforces what they had said regarding asking Senoia to get the developer to participate in this realignment. He said they had looked into this but there was no specific date as to when they would like to get this realigned.

Chairman Dunn clarified that this letter would confirm that the Board opposed this development. He said one of his concerns along Rockaway Road was that there was another proposed development coming after this one and then another development after that one. He pointed out that there had already been 89 accidents there over the last several years. He said the traffic was unbelievable now coming from Coweta County. He said if the Board could believe what was in the newspaper that the Peachtree City Sewer Authority was going to

extend sewer to the City of Senoia, then the growth could be a whole lot more than that. He felt the Board needed to go on record with the R.D.C. and say the Board felt this was too much development.

Commissioner Frady asked for the size of the lots.

Mr. Frisina replied it was R-40 but he felt it was smaller than one acre.

Chairman Dunn said if they got the sewer they were asking for from Peachtree City some of the property might be rezoned into much smaller lots.

Commissioner VanLandingham expressed concern with the proximity of this development to the school complex. He felt there would be a lot more accidents and remarked that the Board's objection to this development was well founded.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to authorize the Chairman to sign a letter to the Chattahoochee-Flint RDC stating the Board's objection to the proposed Twin Lakes residential development in Senoia. The motion carried 5-0. A copy of the letter, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**EXECUTIVE SESSION:** Assistant County Attorney Dennis Davenport requested an executive session to discuss four legal matters.

**COMMISSIONER FRADY:** Commissioner Frady asked Chairman Dunn for further comment on his earlier remark regarding State mandated sewer in the southern part of the county.

Chairman Dunn remarked that the Metropolitan North Georgia Water Board stated their movement was to eliminate all consumptive use of water and this would mean no septic tanks for anyone. He said no one was in favor of this but there was a definite move over time to extend sewer systems where there was going to be people.

**CHAIRMAN DUNN:** Chairman Dunn said he wanted to explain the situation of the County Marshals who cited the Tax Commissioner for having a gun in his office. He said the newspaper quoted the Tax Commissioner as saying that he felt the Marshals should have investigated the 911 call before they acted. He remarked that the County Marshals do not investigate 911 calls and then proceed to investigate. He said the Marshal acted according to the law and that was to respond immediately to the 911 call as any fire or police department would do. He commended the Marshals for doing the right thing.

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



**LEGAL:** Assistant County Attorney Dennis Davenport discussed a legal matter with the Board.

The Board took no action on this matter.

**LEGAL:** Assistant County Attorney Dennis Davenport reported on a legal matter to the Board.

The Board took no action on this matter.

**LEGAL:** Assistant County Attorney Dennis Davenport discussed a legal matter with the Board.

The Board took no action on this matter.

**LEGAL:** Assistant County Attorney Dennis Davenport updated the Board on a legal matter.

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

**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 four legal matters were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:25 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 23rd day of June, 2005.

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Karen Morley, Chief Deputy Clerk