

The Board of Commissioners of Fayette County, Georgia met in Official Session on January 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  
Linda Rizzotto, Chief Deputy Clerk

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

**PUBLIC HEARING:**

**PETITION NO. 1087-01:** Robert H. Brooks, Owner, and Representative, Attorney Robert Dotson requested to rezone 125.7 acres from A-R to PUD-PRD to develop a subdivision consisting of 56 single-family dwelling lots. This property is located in Land Lot 3 of the 6<sup>th</sup> District and Land Lot 224 of the 4<sup>th</sup> District and fronts on Redwine Road and Bernhard Road. The Planning Commission recommended approval (5-0) subject to the following condition: That a paved path from the clubhouse to the floodplain be provided and that an unpaved path through the floodplain be provided for access to the 8.3 acres of open space. Staff recommended approval.

Attorney Robert Dotson, explained that this property was under contract in December, 2000, to Mr. Gilley and his development corporation. He said there was a stipulation that he come before the Planning Commission and the Board of Commissioners with a plan to be able to rezone the property, and to develop it in accordance with how Mr. Gilley explained it to the owner. He said the sale of the property was contingent upon an adoption of a change of zoning. He explained that Mr. Gilley came before the Planning Commission for the first time in March of 2001. He said at that time, he was proposing a 65-lot PUD development which would be tied in with the existing Whitewater Country Club PUD. He mentioned the Planning Commission had some concerns at that time with a number of issues, including the number of lots and the sizes. He commented that Mr. Gilley went back to the drawing board and came back to the Planning Commission in March with a revised plan which the Planning Commission accepted. He stated it went before the Board of Commissioners, he believed for the first time in April, 2001 at which time the Commissioners voiced some concerns about certain portions of the development. He added at that time, Mr. Gilley again went back to the drawing board, and presented his new plan in November, 2001 to the Planning Commission

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who accepted that plan and recommended its adoption with some stipulations which is where we are today.

Mr. Dotson said he found out at 3:00 p.m. today that Mr. Gilley and his attorney would not be attending this evening, but Mr. Brooks wanted to go forward with the petition because there has been so much work done. He said he felt everyone recognizes that the development, and the attempt at this development have been in good faith and it is a quality development. He said they were in hopes that if the Commissioners granted this petition this evening, Mr. Gilley will go forward with that development. He said, however, if that was not the case, the owner would like to try to find a developer who would, in affect, pick up the ball and go forward with this development because they would like to see this type of a development in this area.

Mr. Dotson stated the petitioner tonight was presenting everything Mr. Gilley had presented and adopting it as his own. He said this was everything that Mr. Gilley presented to the Planning Commission and any later stipulations. He said Ms. Zeitler may be able to advise what those stipulations are. He added he understood there had been some subsequent plans sent in which were accepted by the Planning Commission. He commented the petitioner was willing this evening to adopt all of those stipulations that Mr. Gilley has made, including the stipulation that the Planning Commission wanted, as far as paving the cart path back to the golf course area. He said the petitioner was requesting the Board to grant the petition with amendments and additions already communicated by the Planning Commission. He said he would be happy to answer any questions.

Chairman Dunn remarked it was not appropriate at this moment to ask Mr. Dotson a lot of questions unless there was some clarification the Commissioners needed.

Vice Chair Wells said it might be appropriate for Ms. Zeitler to go over any stipulations so that the people in the audience would be aware of those.

Ms. Zeitler stated that the Planning Commission stipulated that the walking path be provided from the clubhouse area, back to the detention pond. She said the applicant revised the plan and their office received a copy on December 21 and the Commissioners should have a copy of that plan. She said the other stipulation as far as the modifications that need to be made still would be to the detention pond, to the rear of lots 47 and 48. She pointed out this would need to be revised so at least one acre of each of those lots was out of the flood plain. She said if the detention pond held water, it was a wet detention pond, and would be considered flood plain. She said these were the issues still remaining.

Chairman Dunn stated the things to do with the pond were not discussed at the Planning Commission and Ms. Zeitler said that was correct.

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Chairman Dunn commented that Mr. Dotson said what he wanted to do was to comply with what was approved by the Planning Commission. Mr. Dunn asked Mr. Dotson if he was familiar with what the Engineering Department had recently said. That since this was a PUD we had to go into it early.

Mr. Dotson said only in general terms. He said he had not talked with anyone in the department. He added he had not had the opportunity but he did communicate with Mr. Westmoreland in general terms; that there was some problem with two lots where the detention pond was located. He commented in general the only comment he would have to make after looking at this plan was, that he had quite a lot of experience with surveyors, and if the line that was drawn as the boundary of this pond was accurate on this piece of paper, he would be greatly surprised. He said normally with streams and ponds, they were not exact in their dimensions. He said he had not had a chance to walk the property to determine that, but if the Board in its judgement would want to make some sort of stipulation concerning that and adopt this zoning, that of course, was in its purview to do so. He added he was not at liberty to make any concessions in that regard tonight because he had not had any instructions to do so.

Commissioner Frady said he thought the Board would have to stipulate that if the plan goes forward that each lot would have to meet minimum standards, and that you may wind up with 55 lots as opposed to 56 lots, but this was the way it could go forward.

Chairman Dunn stated there was certainly a potential that Mr. Brooks could lose two (2) lots here if you develop it as close as it is designed now. He said if you made some other adjustments to the lots, there was a possibility that only one (1) additional lot would be lost.

Mr. Dotson commented that it was his understanding that there might be some adjustment that could be made to that open space and extending the lots out perhaps and also moving the detention pond. He said in the brief conversation he had with Ms. Zeitler, it would appear that whoever goes in there to develop this property, because these are little ponds that exist, was going to have to do some fairly extensive excavating anyway.

Commissioner Frady said he thought Mr. Brooks would have to meet the standards which meant that he would have to satisfy our staff on those and, obviously, there is a problem with two of the lots. He added you may be able to make one lot out of it and you may not, but this was something he would have to work on.

Vice Chair Wells clarified that what Mr. Brooks was stipulating to was not necessarily what the Commissioners were stipulating to.

Mr. Dotson said he didn't mind the clarification at all as he appreciated the assistance.

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Commissioner VanLandingham asked Mr. Dotson if he was aware of the problem with Lots 47 and 48, and that all lots would have to meet the minimum standard and Mr. Dotson said "yes".

Mr. Dotson stated this was an understanding of any development and if the rezoning is based on that stipulation, and that is stated as a stipulation, it certainly would make it concrete and crystal clear.

Chairman Dunn asked if there was anyone to speak in favor of this petition.

Ray Shadoin, 125 Carnoustie Way, Fayetteville, Ga., stated he was a friend of Mr. Gilley's. He said he received a call from Mr. Gilley this afternoon saying that he had been notified today that there had been a change in the development and he may have to reduce two or three lots. He commented it was unfair to Mr. Gilley as he had expended a fair amount of money and time to get this development put into place. He remarked that in 2001, Mr. Gilley made the changes to the open space, etc., and it was indicated to him in short order, before the previous meeting, that this was going to be approved and go through. He added that at the eleventh hour the whole situation changed. Mr. Shadoin stated here we are again, some six months later, and it has happened again. He said he found this to be an unacceptable process and he wanted it known on public record that everything Mr. Gilley has proposed for that development is very well supported by the community on that side of town. He said Mr. Gilley was an ethical individual and he has done a formidable job and has kept everyone informed of what his plans were. He has also complied with what this Board has asked him to do and to come to him on the day that he is supposed to appear before the Board and change the ball game was unacceptable. He said he hoped the Board would reconsider as he felt this development would do well in the county and the City of Fayetteville. He added that Mr. Gilley was an honest and ethical man and he only asked that the Board be honest and fair with him.

Chairman Dunn asked if there was anyone who wished to speak in opposition to this rezoning and no one did.

Vice Chair Wells asked Mr. Dotson if he wished to summarize and he did.

Attorney Dotson said he would be more than willing to answer questions as he felt the Board was well aware of what the petitioner's position was.

Commissioner Frady stated it was unfortunate that there has been a revelation in this particular zoning, however, there was enough on both sides to go around. He commented this plan was presented to the Board that each lot was one acre out of the flood plain and when staff checked it, it wasn't. He said the timing of that may be questionable, however, he felt the applicant had spent a lot of time on this project. He said he thought it was a good

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project. He said when it was brought in before, he was against it because of the amenity package they presented with it. He commented they changed that, they have made this a package that he thought was beyond what the standards are so he could support this zoning.

***On motion made by Commissioner Frady to approve Petition 1087-01 with the condition set by the Planning Commission and the added condition (Condition No. 2) that necessitates that every lot will meet minimum standards in this zoning and on the plat. Vice Chair Wells seconded the motion.***

Vice Chair Wells stated it was a shame that the gentleman who spoke earlier has left. She commented she didn't want the public to misconstrue what just happened here. She said there were minimum requirements that every subdivision, builder, and every developer was expected to meet regarding minimum standards for lot sizes. She added that this problem was found today, not at the eleventh hour, but because of the PUD, and the situation here that we have, it is better to have found it now then later. She said this was not something we were pulling magically out of a hat, this was something that we require every builder and developer to do in Fayette County in order to keep the standards equitable for everyone. She stated she didn't think that there was anyone on this Board who was suggesting that Mr. Gilley was anything except honest and we are trying to be fair to all of the citizens of Fayette County.

Commissioner VanLandingham commented that he met with Mr. Gilley and this was the concept plan that we received, and everything he saw, he liked, but he didn't have a scale with him and neither did Mr. Gilley, and we could not tell that these lots were in the flood plain. He mentioned he felt that the misinformation that was given by both sides was unfortunate and he was glad that our staff caught it before it got to the point where it would be irreversible. He said not at any time did he think Mr. Gilley was trying to do anything that was dishonest, he has been a very straightforward person, and very cooperative, and he wished there were more people like that coming before this Board. He said he supported the project with the two conditions that have been brought forth tonight.

Commissioner Pfeifer stated he could support the project as well. He added that he did not see any negative behavior on either side of this issue. He said he believed Mr. Gilley put forth a good plan and fortunately our staff was conscientious enough to check it over and discover a problem that would be a problem for everyone if it was discovered later. He complimented and thanked staff for discovering the error.

Chairman Dunn said he understood Mr. Shadoin's frustration when he spoke earlier, he understood Mr. Gilley's frustration. He stated that Mr. Shadoin said that Mr. Gilley had been told that this petition was going to be approved and it turned out it wasn't approved. He assured the folks listening that nobody on this Board told anybody what the outcome of that was going to be ahead of time. He said this Board did not do that, our Planning Commission

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didn't do it and we are going to follow the law and protect the community each step along the way. He commented that sometimes that becomes a detailed process and sometimes we have to make amendments on drawings, etc. and that is why we are here. He said he would probably be talking to Mr. Gilley within the week and he would certainly straighten this all out. He remarked that Mr. Gilley had a very good project here, and he thought as a compliment to the Prestwick PUD, this would fit in very nicely. He said the value of the homes will be slightly higher than what is there now and there will also be less density than the PUDs that surround this site. He remarked this Board had no problems with Mr. Gilley or this project but the county was going to follow the law precisely and we are going to protect the environment and the water sources in the county.

Commissioner Frady said he wished to clarify something. He stated at one time some people asked to put this project into the Whitewater PUD and in no way is this a Whitewater PUD, this is a stand alone, on its own, PUD. He said it has no connection, that this Board has given, with anybody else.

Chairman Dunn said he had a letter in hand from Daniel Starowicz who lives in Whitewater Creek who appeared before this Board the last time. He said Mr. Starowicz, opposes this petition and asked that his letter be included in the official record. A Copy of Mr. Starowicz's letter, identified as "Attachment No. 1", follows these minutes and becomes an official part hereof.

Attorney Dotson stated before the Board takes a vote, he would like to conclude by saying he didn't have anything to do with the individual who spoke earlier.

Zoning Director Kathy Zeitler clarified that Mr. Starowicz's opposition was solely the proposed golf cart access easement between lots 7 and 8.

Chairman Dunn said Mr. Starowicz's letter has been made a part of the record. He added that it really didn't matter because there was nothing the Board was dealing with tonight that includes a road going to the golf course.

Ms. Zeitler said the plan still showed a golf cart easement between lots 7 and 8 and this is what Mr. Starowicz was opposed to.

Chairman Dunn said the golf cart easement would lead to the private property of Mr. Brooks and asked what this had to do with the people in Whitewater Creek.

***The motion carried 5-0.*** A copy of the Ordinance and Resolution approving Petition No. 1087-01 and identified as "Attachment No. 2" follows these minutes and becomes an official part hereof. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 3" follows these minutes and becomes an official part hereof.

County Attorney McNally asked the Board to stipulate that this plan be revised to reflect that all lots meet the requirements and Chairman Dunn said that was part of the motion.

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**ABANDONMENT OF RAY ROAD APPROVED:**

County Attorney McNally stated this matter came before the Board about a year ago. He said this is the small road that leads from Highway 314 through to Highway 279 and in essence was a prescriptive easement. He added that it has taken this long to come back before the Board because there were title problems to clear up. He said the Board authorized him at that time to proceed with advertising and to prepare the deeds and so forth. He said the deeds have been prepared and since this was a public hearing to close the road he requested the Board to ask for comments from the floor. He noted to abandon the road, the deed returns one-half of the easement to the church and Mr. Smith receives the other half.

Chairman Dunn asked if there was anyone who wished to speak in opposition to the abandonment of Ray Road and there was none. However, there were hands raised because there were a few folks who wished to speak in favor of the request.

Mr. Al Mahon, 406 Highway 279, said he was in favor of the request to abandon Ray Road. Mr. Dan Smith said he was the person who requested that the road be abandoned.

***On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to proceed with the abandonment of Ray Road and to authorize Chairman Dunn to execute the Quitclaim Deeds and attachments. The motion carried 5-0.*** A copy of the Quitclaim Deeds with attachments are identified as "Attachment No. 4", follow these minutes and become an official part hereof. A copy of the Petition and map requesting the abandonment of Ray Road, identified as "Attachment No. 5" follows these minutes and is made an official part hereof.

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**OLD BUSINESS:**

**ADOPTION OF THE PAY AND CLASSIFICATION STUDY BY M.G.T. OF AMERICA, INC.:**

Finance Director Mark Pullium introduced Todd Osborne with M.G.T. of America who is the Consultant that conducted this study. He said he was here in case there were any questions related to the study.

Chairman Dunn asked Mr. Pullium what he would like for the Board to do.

Mr. Pullium requested that the Board adopt the Pay and Classification Plan with the Market Study recommendations in Chapter Five (1 through 5, including exhibits 5-4, 5-5 and 5-6 attached). He pointed out that this was a recommendation put forth by the Consultant in connection with a proposed reorganization.

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Chairman Dunn asked Mr. Pullium to read the five recommendations which he did. Mr. Dunn asked if Mr. Pullium wanted the Board to approve the pay plans in attached exhibits in 5-1, 5-2 and 5-3 and Mr. Pullium said yes. Chairman Dunn acknowledged that there were other things in the study that would not be addressed tonight.

***On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to adopt the Pay and Classification Plan submitted by M.G.T. of America, Inc., with the recommendations in Chapter Five, along with attached exhibits, as presented, and it is to be retroactive to January 1, 2002.***

Commissioner Pfeifer stated he looked on this, so far, as probably the most important vote that he has cast since he was elected here. He said obviously this has a tremendous effect on our budget as it directly effects the product that we produce which is the services that we provide to our citizens. He said it obviously has a direct impact on our staff and many of them are Fayette County citizens and taxpayers as well. He commented he had several questions at the end of the last meeting and have addressed them to the staff and they have been answered. He pointed out that primarily his concerns were centered around how were we going to be sure that we were achieving the affect we are trying to achieve, and that is, retaining and keeping good trained employees. He made the suggestion that in the future our Human Resources Department monitor during their exit interviews, when someone has accepted employment somewhere else, where that somewhere is going. He said this would help to address some of the questions we have about the appropriate comparison to make, which counties, municipalities, etc. He stated he would also like to see this information gathered as we hire people too so we can see where we are getting them from. He added that he didn't know how to set this up but he would also like to see us monitor and compare our retention rates to the retention rates of those counties/municipalities that were used in our Market Study. He said he would like to see how we were doing on an ongoing basis with this.

Commissioner Frady asked Mr. Pfeifer if he had seen any of the county's exit interviews and Mr. Pfeifer said he just saw a tabulation of the results.

Commissioner Pfeifer said he thought exit interviews were a good idea and a good tool.

Commissioner VanLandingham commented when he was trying to get elected to his position, he talked to quite a few of the county employees and there was a genuine concern on their part about their pay scale and benefits. He said when he was elected, we started looking at it and talking with some of the other Commissioners and he found out there was an old study that was done and a lot of folks had questions about why that plan was not adopted and it is still being asked why it has taken so long. He said he had to ask a lot people a lot of questions to get answers so if we hear him say something we have told him, it was proof that he has taken advise from some other people. He stated in trying to put the old study before the Commission again, it was looked at a lot closer. He said it was pointed out to him that



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only 200 employees in the county would have been affected by the old study and that meant 300 employees would be excluded all together. He remarked that it was quickly decided that this would not work, that everyone was deserving of consideration so we started a new study and it takes time to do this. He said while there has been a delay, what we have now is a very good study, its thorough, accurate, and it is meaningful to everyone in the work force. He wanted to explain that this was not delayed on purpose, but it was delayed so that everyone would be considered and everyone would benefit from it. He remarked that the Department Heads need to relay this information to the people that work for them and let them understand that it takes time to do these things if you are going to do it right. He added if we wanted to hurry through this, the Board could have used the old study and 300 people would not have been affected at all. He said the Department Heads owe it to their staff to advise them that the first study was not what the Board should have acted on.

Commissioner Frady stated that he felt M.G.T. did a great job on the study and he appreciated the efforts behind this very good study.

Chairman Dunn commented that the Board members didn't get the final M.G.T. study until a couple of weeks ago.

Commissioner Frady asked Mr. Dunn to explain that the Board did have a copy that everyone went over about a month ago.

Chairman Dunn said the Board was briefed by the analyst ahead of time. He pointed out as Commissioner VanLandingham said previously, the old study was not used, and this new one was hot off the press so there has been no dragging of the feet once this was completed. He said there was a lot of questions he had and still did have, however, he and Todd Osborne, the Consultant, spent 6 hours going over everything. He said he didn't think that anybody could say that a study of this voluminous in nature was perfect in every way, and certainly he didn't think this one was, but it was light years away from what we had.

Chairman Dunn said one of the things that we had to do here was to establish a pay and classification system for our people that would be understood by everyone. He stated he wanted to use a model in the future to build upon. He said one of the problems the Board had now was sometimes in the past when the Commissioners asked questions about, "Why are we doing that," or "Why is that job classified like that," or "Why is this paygrade that," there were no answers because what had happened in the past is there was a lot of dealing with individual problems as they came up, and decisions were made that were not necessarily related to the rest of the study. He added there was also a couple of pay studies that were partially implemented and things like that so there were some problems here. He said there were some things that will simplify our current pay system too. He said before there were 33 steps in each job and we were not going to have that anymore. He added that we will now have a beginning, a middle and an end. He said it will be a lot easier for our managers to

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manage and for our Human Resources staff to work with on a daily basis. He stated the Board had a substantial amount of money involved in this study. He pointed out, if implemented, the plan will cost the county \$1,500,000 in pay and benefits for the county employees. He said if you look at this over a ten year period with the results from this study alone, it will cost over \$20,000,000 to the county, and the pay plan goes on incrementally. He said there was a substantial investment the Board was making here tonight and it is one that needs to be understood.

Chairman Dunn stated a decade ago, if someone were to be here with a pay plan, he would have been with the people in the audience, saying that the county staff was underpaid and had lousy benefits. He commented that over the last decade, and most of this work took place by our predecessors, and Commissioners Wells and Frady were on the Board during some of this, and we have gradually made things better. He said every time that the Board has dealt with a pay or benefit issue that he knew of, we have made the condition of our employees better and we are about to do that again. He added that people have to know that there is a substantial increase involved here, it's fair, but it is costly, and we are going to have to absorb that in Fayette County and we will because we owe it to our employees. He commented there were some good things that came from this study in addition to the raises that almost everybody in the county will be receiving, and that is that we found out that our benefits package fits very well with, not only with the surrounding area, but with the United States of America at large. He said the Bureau of Labor Statistics standards were put up against our benefits and we found out we are right where we need to be. He added we are right there with the average benefits for government in the United States so we are no longer dragging behind like 10 years ago. He said this was an outstanding achievement for all of us that have been involved in this. He said this included the predecessors of this Board and the one before that to bring the benefits package from near nothing to something that is very well represented in United States today.

Chairman Dunn commented that this market study is not perfect and he has talked with the Consultant, Todd Osborne, and he pondered how to make some certain changes that he thought could make it even better. He said each time the Board tried to address that, we found that to do something in column A, column B was out of line. He said when you start to proceed down the line, it became very difficult, if not impossible, to take some of the minor problems he had with this and fix it without another big study and so we are not going to delay this. He stated he would be with the Consultant in the future and there are some small things in here that can be done to make our pay plan even better. He added that he was not saying that it would result in more money immediately for everybody in the future, he was saying it will make it better and easier to manage. He said one of the things we have in this job study is that some of our jobs are compared to 14 different jurisdictions, some of them to 6, and some of them 2. He pointed out this was a confusing thing when you are managing a plan, because you have so many data bases you are dealing with, and so many different control groups that you are trying to compare yourself to. He said these things were necessary in

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order to achieve certain fairness as they were going through it. He said a lot of it was very difficult to understand and very difficult to sort out. He said when he looked at this plan and saw where we were 10 years ago and where we are today, even though he has a few problems with it, he felt the Board could make it even better in the future. He said he would support the pay plan because there is an equity issue here for our employees that needs to be addressed and it hasn't been addressed soon enough.

Chairman Dunn stated in this county, we have always had a tremendous respect for our fire and police and we bragged about our fire and police before it became fashionable. He pointed out that now the rest of the country is catching up to us in the way they perceive Public Safety employees. He mentioned that 62 percent of this pay raise goes to Public Safety people. He stated those public servants, when we went through this thing, were the most underpaid, relative to whatever group we compared them to. He said where he may have made some minor changes one way or another, we did the right thing, we are going in the right direction, and we will continue to make it better. Mr. Dunn said he wanted everybody to know that you must go through a lot of scrutiny when you do something like this because this document is going to be the foundation that drives all of your future pay and all your future benefits.

Chairman Dunn stated the other consideration the members of the Board have to be concerned about, in their sincere desire to be fair and to help the work force here, we also have to be fair and to help the taxpayers. He said he felt what the Board has achieved here is something that is fair. He said there will be some taxpayers that are not going to like the fact that public servants are going to get a raise, and we will have to deal with that, but that is our problem and not that of the employee. He said almost all of the comments we get on our workforce are positive. He said everybody he has dealt with, including the Consultant, was very impressed with the attitude of our people compared to other jurisdictions he has worked with around the country. He mentioned this was reflective here every day and so some of you who were worried about the additional scrutiny that was going into this plan, one day will be happy it was done because there are some other things we are going to do. He said one of the things we are going to do immediately was to complete something we started about a year ago and that is to give the employee another health care option which could save you additional dollars if you decide to take the HMO instead of the PPO for instance. He commented the Board was not going to stop here, it was going to continue to do things that he felt would be beneficial to the staff and the taxpayer.

He stated despite the fact that this was going to cost the county money, and it was going to cost a lot of money over the next decade, he could assure the taxpayers he was sitting in front of, and the ones he wasn't sitting in front of, that their money was being wisely spent. He thanked Consultant, Todd Osborne for the 6 hours of give and take. He added it was enjoyable and certainly educational for him.

Vice Chair Wells commented that although we have said several times that this is a substantial investment, what you are seeing and hearing from the Board is, that it is a worthy investment for the quality and caliber of employees that we have. She stated we want to retain them, we want to pay them for what they are worth and we want to give them a concrete means of showing them how much we appreciate the fact that it is the employees that keep Fayette County number one. She said the Board is cognizant of that and it was a fine balance between the employees and the standard of living in Fayette County and the taxpayers. She said she thought we have hit upon a good starting place for meeting the needs of both of those groups of people.

Chairman Dunn asked that everyone look at the Market Study Plan and remember some of the good things that were discovered when this study was done. He said the pay was going to be adjusted according to the results of the survey, but in the survey you will find that there are a lot of very positive things that have been done in the last 10 years and sometimes he knew in the zest to get what we want, sometimes we don't think of the positive aspects of what we have already gone through. He commented there was a lot of good things here and there will be adjustments made in the future. He pointed out we would be using this document with slight amendments, based on some of the discussions. He said there was an addendum coming which explains a little more about how we arrived at some of our decisions and that will be included in the study.

***The motion carried 5-0.*** A copy of Chapter 5, Market Study - Recommendations, including attached exhibits 5-1 through 5-6 are included, identified as "Attachment No. 6" follow these minutes and become an official part hereof.

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***CONSENT AGENDA: On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to approve the Consent Agenda as presented. The motion carried 5-0.***

**ENGINEERING DEPARTMENT - APPROVAL FOR BANKS LOGGING COMPANY TO CLEAR STRIPS OF LAND NEAR LANDFILLS TO FENCE THE PROPERTY:**

Approval of request from the Engineering Department to have Banks Logging Company clear approximately 20-foot wide strips of land located at the County's North side and South side landfills for the installation of new fencing. On October 11, 2001, a proposal for timber harvesting and clearing was issued to 12 timbering companies, and no company submitted a bid. Several calls were made to smaller companies and Banks Logging Company was the only company who offered to clear the timber.

**BUILDING AND GROUNDS MAINTENANCE - BID AWARD APPROVED FOR TRACTOR/LOADER FROM FAYETTE TRACTOR:**

Approval of request from Building and

Grounds Maintenance to award the bid for a 48-HP Tractor with loader to Fayette Tractor in the amount of \$21,345.12.

**MAIN STREET CALENDAR OF EVENTS FOR 2002 APPROVED:** Approval of Main Street Calendar of Events for 2002.

**MINUTES APPROVED:** Approval of minutes from the January 2, 2002 Board of Commissioners' Meeting.

**PUBLIC COMMENT:**

Members of the public are allowed up to three 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.

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**STAFF REPORTS:**

**AMENDMENT TO THE WATER SERVICE AGREEMENT BETWEEN THE COUNTY AND THE CITY OF FAYETTEVILLE AND RESOLUTION 2002-04 CHANGING THE WATER SERVICE AREA FOR FOUR (4) LOTS:**

County Attorney McNally advised the Board that during the course of developing Lakeside on Redwine, John Wieland ended up connecting part of the county's service area to the City of Fayetteville's Water System. He reported that an arrangement has been worked out whereby the system will be properly connected to the county's water system. He said there were four (4) lots in the service area that would be more conveniently served by the City of Fayetteville's water line. He recommended that the Board approve entering into an agreement whereby John Wieland would reconnect the county's system. He stated we would amend our Water Service Contract with the City of Fayetteville to transfer four (4) lots to the City of Fayetteville service area. He noted the lots going to the City would be Lots 27, 30, 62 and 70 of the Lakeside on Redwine Subdivision and Lots 57 and 58 would be added to the County's service area. He asked the Board to authorize Chairman Dunn to sign both the Agreement and the Resolution changing the water service area for the four (4) lots.

***On motion made by Commissioner VanLandingham to authorize Chairman Dunn to sign the Resolution transferring the four (4) lots to the City of Fayetteville, and the Agreement resolving this issue. The motion was seconded by Commissioner Frady.***

Chairman Dunn commented that there were substantial costs involved here in redoing this area now to set our service district straight again because of mistakes that were made and there are fees that would accrue back to us that we had not collected in the past. He said his assumption is that we are going to get all the fee money we are deserving here and all of the redoing of the work will be borne by John Wieland and the City of Fayetteville. He added that this situation would not cost taxpayers a penny and this will all be put to rest.

***The motion carried 5-0.*** Copies of the Resolution (#2002-04) and Agreement, identified as "Attachment No. 7" follows these minutes and is made an official part hereof.

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**CHAIRMAN DUNN AUTHORIZED TO SIGN CONTRACT WITH THE CITY OF ATLANTA WATER SUPPLIER FOR THE INSTALLATION OF A METER AT MILAM ROAD IN THE AMOUNT OF \$19,580.00:** Attorney McNally advised the Board members that the county has inter-connects with our neighbors, relative to buying and selling water, namely, Clayton County and the City of Atlanta and the City of Fayetteville. He stated the Water Committee recommended that the county install an additional meter for the additional delivery of water from the City of Atlanta at Milam Road. He said this would cost the system \$19,580.00 to install that meter. He added that this would be recouped with tap fees and water usage. He said we would incur a great deal of expense trying to run water to this isolated pocket and this is normally when the Water Committee would request for an inter-connect. He stated this would not mean any additional water use from Atlanta, it would just be more convenient for the system and less expensive. He asked for a motion to authorize Chairman Dunn to sign the Water Meter Application with the City of Atlanta water supplier (United Water Services Atlanta) to have that meter installed.

**On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize Chairman Dunn to sign the Water Meter Application with the City of Atlanta water supplier to have a meter installed. The motion carried 5-0.** A copy of the Water Meter Application, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

Commissioner VanLandingham confirmed that the meter will be of sufficient size for fire protection.

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**EXECUTIVE SESSION:**

Attorney McNally requested Executive Session to discuss two legal matters.

***On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to adjourn to Executive Session to discuss two legal items after a brief recess. The motion carried 5-0.***

**LEGAL:**

County Attorney McNally briefed the Board concerning a legal matter.

***On motion made by Vice Chair Wells, seconded by Commissioner Frady to authorize the County Attorney to proceed with negotiations in this matter. The motion carried 5-0.***

**LEGAL:**

The County Attorney briefed the Board concerning a legal matter.

***The Board took no action.***

**EXECUTIVE SESSION AFFIDAVIT:**

**On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to authorize Chairman Dunn to execute the Executive Session Affidavit affirming that two legal items were discussed. The motion carried 5-0.** A copy of the Executive Session 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 8:30 p.m.

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Linda Rizzotto, 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 6<sup>th</sup> day of February, 2002.

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Linda Rizzotto, Chief Deputy Clerk