

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, February 9, 2006, 2006, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Peter Pfeifer

STAFF MEMBERS PRESENT: Chris Venice, County Administrator
Dennis Davenport, Assistant County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

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

ABANDONMENT OF A PORTION OF HUIET ROAD APPROVED:

Chairman Dunn remarked that this was a public hearing regarding the abandonment of a portion of Huiet Road.

Assistant County Attorney Dennis Davenport remarked that this was for the abandonment of a portion of Huiet Road. He said this concerned the area immediately to the South of the entrance to the Y.M.C.A. down to the portion of Huiet Road where Huiet Drive comes in from the Westerly direction. He said that area of Huiet Road was being proposed to be abandoned in this public hearing. He stated as far as the public hearing was concerned if the Board determined that portion of the road served no substantial public purpose in its current state, this would give the Board the ability to vote to abandon it. He said there was one gentleman present tonight that was in support of the proposed abandonment and the concept drawing was one that he had brought with him tonight to show the Board what he intended to do in the area immediately adjacent to and around the abandoned portion of Huiet Road.

Chairman Dunn remarked that since this was a public hearing the Board would be asking the public if there was anyone present to speak for or against this issue. He asked if anyone was present to speak in favor of the abandonment of this piece of roadway.

Don Brooks said he was with the McCauley Company which was based in Atlanta but new to Fayette County. He said last Fall they had purchased approximately 600 acres from Dan Stinchcomb that was located in the area of the road abandonment. He said he would like to display a land map as to how they intended on developing the property. He said he was not asking the Board to approve anything but was presenting it for the Board's review. He said he had spoken with Pam Young of the Y.M.C.A. about improving the entrance to the

Y.M.C.A. and was in the process of developing precise plans that he felt would be a wonderful addition to Fayette County.

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

Chairman Dunn said the Board was very familiar with this piece of property and had dealt with this issue before. He said the Board was looking forward to a first class development being built there and he felt the abandonment of this road would help accomplish that.

Mr. Brooks said he would like to commend the county staff as well as the County Attorney and his office during the initial planning stage and the guidance they received in making this the best possible plan for the County. He said they were pleased with this plan and felt it would be a wonderful addition to Fayette County.

Chairman Dunn said he was particularly pleased to hear that Mr. Brooks had been working with Pam Young of the Y.M.C.A. about making the entrance to that facility a little more aesthetically pleasing. He said the Board certainly appreciated that.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to abandon the portion of Huiet Road between the entrance of the Y.M.C.A. property and Huiet Drive and Lots #26 and #27 of the 7th District of Fayette County. The motion carried 4-0.

RESOLUTION NO. 2006-07 - OPPOSITION TO THE CREATION OF DISTRICT VOTING FOR COUNTY COMMISSIONERS:

Chairman Dunn asked if the Board had any questions on this issue and Commissioner Wells said she would like to make a motion.

On motion made by Commissioner Wells, seconded by Commissioner Frady to adopt Resolution No. 2006-07 stating the Board's opposition to legislation that would create district voting for County Commissioners, discussion followed.

Commissioner Pfeifer said he was highly in favor of this resolution.

Commissioner Frady said this was the second resolution that the Board had adopted and he noted that one had also been adopted last year.

Chairman Dunn said Fayette County had a unique situation where there were seven people in the Legislative delegation at the State House. He pointed out that three of these people did not live in this community but lived in other counties around Fayette. He said part of their district comes into this community. He said the three people who did not live here were among the four people of the seven who had requested this. He said that would redistrict Fayette County and change the process of voting. He said at this time everybody

in Fayette County as well as in the five municipalities and the Board of Education had districts but every citizen in the county and the cities was able to vote. He said the Board had steadfastly said that this was best for everybody in Fayette County. He said everybody must care about Fayette County and not just one part that a Commissioner would be elected from. He said that form of government does exist in many places and there were good things and bad things about every form of government. He said in that form of government the one thing that would occur every day would be that each Commissioner would be fighting amongst themselves for just their portion of the tax dollars for Fayette County. He said this would create winners and losers with every tax dollar. He said one Commissioner might win and the other four might lose. He said right now every tax dollar for Fayette County was considered by everyone for everyone in the County equally. He felt that this was the best way to govern Fayette County in lieu of districts that would take limited tax dollars with five entities fighting over them every day. He said last year one of the representatives tried to do this before. He said this was called local legislation and was brought forth by local people and the State House normally would approve it immediately. He pointed out that four of the seven legislators were in favor of district voting but three of those legislators did not live in Fayette County. He said this Board felt this was not local legislation. He said local was local and this Board was local, the school boards were local, the cities were local and almost unanimously none of the elected officials wanted to change the current system. He said it might make it a little easier if they did. He said he and Commissioner Wells were running right now and they had to contact 100,000 people and under the new system they might only have 20,000 people in their district. He said that would make it a lot easier to run. He said they had to run in front of everybody, govern in front of everybody and try to do the best thing for everybody. He said the Board would be sending this Resolution to the State Senate and the House of Representatives stating that the Board of Commissioners did not believe in this and did not consider this local legislation and also that this community did not want it.

Chairman Dunn said obviously there were a few people in the community who did want this but the information that this Board had received over the last year and a half was that overwhelmingly the citizens of Fayette County did not want this. He said as far as he was concerned anytime the citizens of this county did not want something overwhelmingly this Board would not impose that on them unless it was required by law. He said in this case the Board was not in favor of district voting and would fight this. He called for the vote on this motion.

The motion carried 4-0. A copy of Resolution No. 2006-07, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Chairman Dunn said this motion meant that this Board was unanimously opposed to having district voting imposed upon us by some Legislators who did not live in Fayette County.

CONSIDERATION OF RECENT ETHICS COMPLAINT:

Chairman Dunn said the County had recently received a complaint and this Board could find no issue that would merit investigation or disciplinary action. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer that the Board take no action on this matter. The motion carried 4-0.

TED BURGESS APPOINTED TO RECREATION COMMISSION:

Commissioner Wells remarked that this position had been vacant for quite a while and she felt very strongly that this Board needed to be as complete as possible so that they could go about the business of taking care of the recreation in the community. She said the Board had received an application from Ted Burgess who had offered to serve in this capacity. She said she would like to nominate him for the Board's consideration to appoint him to fill the unexpired term of Post 1 of the Recreation Commission. She noted that this was a four year term that would expire on March 31, 2008.

Chairman Dunn remarked that he had known Mr. Burgess for many years and he felt most of the Board members also knew him. He said this Board has a high regard for Mr. Burgess and noted that he was dedicated and worked hard for this community right now. He said this Board appreciated the fact that a man of this quality would be wanting to dedicate so much of his future time to the Recreation Commission. He said Mr. Burgess understands full well that this would not be an easy job. He said this Board appreciated Mr. Burgess applying for this position and was more than happy to welcome Mr. Burgess to Fayette County government.

On motion made by Commissioner Wells, seconded by Chairman Dunn to nominate Ted Burgess to fill the vacancy for Post 1 of the Recreation Commission that commenced on April 1, 2004 and will expire on March 31, 2008. The motion carried 4-0.

CITIZENS NEEDED TO SERVE ON SEVERAL FAYETTE BOARDS, COMMISSIONS AND AUTHORITIES:

Commissioner Wells said she would like to make a statement and hoped the press that was present tonight would put this in their newspapers. She said Fayette County had several commissions, boards and authorities that citizens help fill positions on. She said currently there were several positions that were vacant. She said this Board had expended its resources in trying to get these positions filled. She suggested the press speak with the Executive Assistant to the Board Carol Chandler to see exactly which positions were open. She said the County desperately needed some people to serve on these boards. She said this would be a great opportunity for the citizens in this community who would like to give back to their community and would like to share their expertise. She said this would be a great community service if the press would publish this in their newspapers.

CONSENT AGENDA: On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to approve the consent agenda as presented. The motion carried 4-0.

HIETT ESTATES SUBDIVISION - STREET LIGHTING DISTRICT: Approval of request from the Engineering Department to approve Hiett Estates Subdivision as a new Street Lighting District in Fayette County. A copy of the memorandum, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT: Approval of request from the Sheriff's Department to increase revenue and expenditure account line items by a total of \$3,898.09 in order to recognize receipt of insurance proceeds for repair of a vehicle. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

FINANCE DEPARTMENT - TRANSFER OF FUNDS: Approval of request from the Finance Department to transfer budget funds from Juvenile Court's Indigent Defense budget line to other judicial budgets for indigent defense. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

FINANCE DEPARTMENT: Approval of request from the Finance Department to transfer unused portion of repair funding back to the Contingency Fund in the amount of \$4,125. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

LIBRARY: Approval of request from the Fayette County Library to increase revenues and expenditures in the amount of \$30 to recognize a donation to purchase books. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

BID AWARDED TO CUMMINS SOUTH, INC. - GENERATOR FOR FIRE DEPT.: Approval of request from Chief Jack Krakeel to purchase generator from low bidder, Cummins South, Inc., in the amount of \$32,744.24 with \$28,000 from Capital Account 27030520-542160 and \$4,744.24 from the Fire Contingency account 27030520-579000. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

FINANCE DEPARTMENT - ACCOUNTING TECHNICIAN POSITION UPGRADED: Approval of request from the County Administrator to upgrade the Accounting Technician position from a part time position to a full time position. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

U.G.A. CARL VINSON INSTITUTE OF GOVERNMENT - REORGANIZATIONAL STUDY: Approval of recommendation from the County Administrator to allow U.G.A. Carl Vinson Institute of Government to conduct a reorganizational study of the County's departmental structure at a cost not to exceed \$24,375.00, and authorization for execution of a subsequent contract by the Chairman. Copies of the request and contract, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

PUBLIC WORKS DEPARTMENT - PAVING MACHINE APPROVED: Approval of request from Public Works Director Lee Hearn for expenditures for repairs to a 1996 Cedar Rapid paving machine in the amount of \$25,482.08. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on November 2, 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:

ATTORNEY DAVENPORT: Attorney Davenport reported that he had received a draft modified surface water withdrawal permit from the Georgia Department of Natural Resources. He said this withdrawal permit would modify the County's current permit as a withdrawal permit from a creek to a reservoir for Lake McIntosh. He said this would go through a posting period and ultimately be recommended to the Director of the Georgia Department of Natural Resources. He asked for the Board's consideration to authorize him to forward this document to the E.P.D. for their approval.

Chairman Dunn commented that there had been a lot of hard work over the last decade to get another reservoir in this county. He said that work was almost completed although there was still some administrative work that had to be done.

Commissioner Frady remarked that the reservoir site for Lake McIntosh had been in the works since 1978.

Chairman Dunn said this lake should take care of Fayette County for the rest of its history and this should be the last reservoir that would be needed.

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On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize Attorney Davenport to submit this document to the E.P.D. The motion carried 4-0. A copy of the document, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: Attorney Dennis Davenport requested an executive session to discuss five legal items.

Commissioner Pfeifer requested an executive session to discuss one legal item.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss six legal items. The motion carried 4-0.

LEGAL: Attorney Davenport advised the Board on a legal item.

The Board took no action on this matter.

LEGAL: Attorney Davenport discussed a legal item with the Board.

The Board took no action on this matter.

LEGAL: Attorney Davenport reported to the Board on a legal item.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize staff to proceed in this matter. The motion carried 4-0.

LEGAL: Attorney Davenport discussed a legal item with the Board.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize Attorney Davenport to proceed in this matter. The motion carried 3-1 with Commissioner Frady voting in opposition.

LEGAL: Attorney Davenport updated the Board on a legal item.

The Board took no action on this matter.

LEGAL: Commissioner Pfeifer advised the Board on a legal matter.

The Board took no action on this matter.

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EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Executive Session Affidavit affirming that six legal items were discussed in executive session. The motion carried 4-0. A copy of the Affidavit, identified as "Attachment No.12", 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 8:45 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 9th day of March, 2006.

Karen Morley, Chief Deputy Clerk