

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, March 22, 2007, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Jack Smith, Chairman
Herb Frady, Vice Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer

STAFF MEMBERS PRESENT: Chris Venice, County Administrator
William R. McNally, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Smith called the meeting to order.

Commissioner Pfeifer offered the Invocation.

Pledge of Allegiance.

HEART ASSOCIATION PRESENTATION BY DEPUTY CHIEF ALLEN MCCULLOUGH:

The Board recognized members of the Fire and Emergency Services Department and staff of World Gym who were instrumental in saving the life of Michael Smith on November 15, 2006 at World Gym located in Fayetteville.

Chief Jack Krakeel said it was a privilege tonight to celebrate a success story in the community. He said for a number of years Fayette County had been a leader in the field of emergency cardiovascular care and had worked aggressively to establish programs that look at the care of a person who suffers a heart attack in the community from a broad perspective. He said he and his staff have had the pleasure of being recipients of awards in this community and this government had also been a recipient of awards for those initiatives. He said successful outcomes with cardiac arrest patients were dependent on a long continuum of success stories that begin with the community. He said this begins with the citizens being trained in C.P.R., with technology that was available to defibrillate a heart when it needed to be defibrillated, with the arrival of emergency first responders, with the care provided by the local emergency department, and with the centers that specialize in cardiac care and successfully bringing a person back to vitality in their community. He said tonight was about one of those success stories to show that the system that had been developed in Fayette County truly worked. He said there were representatives present tonight from all of those facets of

the community who participated in this process. He said he was extremely pleased to see that many years of hard work and effort on behalf of many people not just Fire and Emergency Services but also the citizens who had taken the time and the initiative to become trained in C.P.R. and the Board of Commissioners who continue to fund new programs and innovations such as the A.E.D. in the back of the room and also located in all governmental offices and buildings. He said many businesses in the community have taken the challenge and have purchased similar devices and placed them in their businesses so that when their patrons come in and suffer a cardiac arrest the technology was there to assist them. He said the Medical Director was present tonight and he worked very aggressively with EMS to make sure that the protocols and treatment capabilities were the most modern and technologically advanced as possible to provide to the citizens. He said this was truly a wonderful success story that was being celebrated this evening.

Deputy Chief Allen McCullough of Fire and Emergency Services said he would like to overview the events that occurred on November 15, 2006 at 5:58 a.m. with Michael Smith. He said Mr. Smith was the Assistant Principal at Sara Harp Minter Elementary School. He said Mr. Smith had gone to World Gym for his morning workout and at approximately 5:58 a.m. he collapsed and was unconscious, unresponsive and had stopped breathing and having a pulse. He said as a result staff and other members of the Gym quickly reacted and responded and began CPR and deployed their automatic external defibrillator which provided a shock that restarted his heart. He said E-911 was notified and paramedics were on the scene within minutes. He said this was really a systems approach that took a lot to orchestrate. He said from the community's standpoint of participation, Emergency Services' response and properly being taken care of at Piedmont Fayette Emergency Department and then being air lifted to St. Joseph's Hospital for open heart surgery in just a matter of a few weeks Mr. Smith was back to the community.

Deputy Chief McCullough said he would like to introduce some people who were certainly directly involved and also some who were indirectly involved many times in putting these systems together. He said first he would like to introduce Jeanine Hartin who was with the American Heart Association. He said she was the Project Director for Emergency Cardiovascular Care for the Southeast. He said one of the presentations that he wanted to make to the rescuers was the American Heart Association C.P.R. Award. He said he also wanted to introduce the rescuers who were involved on the scene initially. He called Ron Ward, Ryan Peterson, Sonya Sartain, Janet Caldwell and the General Manager for World Gym Kim Hershy. He said Ms. Hershy was the person behind the scenes to have an A.E.D. placed in World Gym. He pointed out there was

also another cardiac save at World Gym a little over a year ago. He said also present was the World Gym Location Manager Mike Reynolds.

Deputy Chief McCullough said he also wanted to introduce the paramedics and EMT's who were on the call and took care of Mr. Smith. He said those individuals were Paramedic/firefighter Donnie Davis and his partner firefighter/ENT Holly Joiner. He remarked that Chief Krakeel had alluded to the fact of how important it was to have strong medical direction. He said Dr. Robertson was the Medical Director of Fire and Emergency Services and he was the person behind the scenes who granted the permission for paramedics to be able to be aggressive to put the standing orders together and approve medical protocols. He said Dr. Robertson was also the A.E.D. Medical Director for the community as well.

Deputy Chief McCullough said at this time he wanted to introduce the person who was saved by all of these individuals and that was Mr. Michael Smith.

Mr. Smith said he just wanted to say thank you to the community and the individuals who on that morning found it in their ability and training to come forward and bring life back into his body. He said he could not say enough or give enough thanks to the community for saving his life.

Chairman Smith read a Resolution honoring the individuals in saving Michael Smith's life. A copy of the Resolution, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. He said it was one thing to be in a community where people care about each other and it was quite another thing to be in a community where people continually train for moments like this. He said it was the training that everyone takes for granted. He said members of the community did not realize what goes on behind the scenes so that each of these people were prepared when an emergency of this type comes forth. He felt all of the individuals behind the scenes in addition to these individuals who go through the rigid training on a regular basis so that when emergency situations such as this one occur, what takes over was the training. He said the training comes forth and manifests itself in the actions of those individuals who have received that training. He said he felt a round of applause and a deep debt of gratitude to all of those men and women in this community who were prepared for their training to take over in an emergency situation like this.

REZONING PETITIONS:

Zoning Administrator Dennis Dutton remarked at this point in the agenda the Board would consider requests for the rezoning of property and any proposed amendments related to County codes and regulations. He said Fayette County required at least two

public hearings for these requests. He said the first public hearing on the first Thursday of the month was held by the Planning Commission and their vote was a recommendation to the Board of Commissioners. He said the second public hearing on the fourth Thursday of the month was held by the Board of Commissioners and their vote was the final decision of the County. He said procedures for public hearing of each agenda item were as follows: (1) Presentation by petitioner once the agenda item was announced. He said the petitioner would present the request to the Board of Commissioners. He said the petitioner along with those speaking in favor of the request would be granted a cumulative total of 15 minutes for presentation and rebuttal; (2) Public Comment. He said after the petitioner's presentation the Chairman of the Board would ask for public comment. He said each speaker would have a total of three minutes to address the Board of Commissioners. He said the Board of Commissioners would first hear those individuals speaking in favor of the request and then the Board of Commissioners would hear those individuals speaking in opposition to the request. He remarked that a cumulative total of 15 minutes would be granted to each side — speakers in favor of the request and those opposed to the request. He said each person who wished to speak to the Board would come to the podium and print his or her name and address on the form provided so that each speaker could be accurately identified in the minutes of the meeting. He said speakers were requested to speak only to the Board and not to the applicant or others in the audience. He said if a group wished to speak, a spokesperson should represent the group. He asked that each speaker not repeat the same concerns of previous speakers. He said any items such as photographs or signed petitions that the speaker wished to give to the Board should be given to the Marshal. He said after all of the individuals speaking in opposition have spoken, the Board of Commissioners would close the floor for further public comment on the agenda item; (3) Rebuttal by petitioner. He said the petitioner would be given the remainder of his or her fifteen minutes for rebuttal and to address the Board about the issues; (4) Motion and discussion by the Board of Commissioners. He said normally a Commissioner would make a motion to either approve, deny, approve with conditions or table and the motion would be seconded by another Board member. He said lack of a second would nullify the motion. He said the Board of Commissioners could ask questions or comment prior to or after the motion was made and seconded; (5) Board of Commissioners vote. He said following discussion the Chairman would call for the vote. He said the vote by the Board of Commissioners was the final County decision regarding the request. He said provided that everyone understood these procedures, the rezoning requests could now begin.

ORDINANCE NO. 2007-03 - ADOPTION OF AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, A. S.R. 54 WEST OVERLAY ZONE, B. S.R. 85 NORTH OVERLAY ZONE, AND C. GENERAL STATE ROUTE OVERLAY ZONE:

Zoning Administrator Dennis Dutton remarked that this item was for the Board's consideration and related to the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, B. S.R. 85 North Overlay Zone, and C. General State Route Overlay Zone as presented by the Planning & Zoning Department. He remarked that the Planning Commission recommended approval (5-0).

Chairman Smith remarked that this item was tabled from the February 7, 2007 Board of Commissioners meeting.

Zoning Administrator Dennis Dutton remarked that the proposed amendment was recommended for approval by the Planning Commission on February 1, 2007. He said Section 7-6. Transportation Corridor Overlay Zone was composed of three distinctive transportation corridor overlays within unincorporated Fayette County. He said the reason for these changes to the transportation corridor overlay zone were as follows: (1) to improve the language of the overlay zone for consistency while deleting redundancies; (2) to delineate the overlay zones whether by footage from right-of-ways such as S.R. 85 North which had increased from 500 feet to 1,000 feet or by property and/or development in the S.R. 54 West and general State Route overlay zone; (3) to amend to the architectural standards for each overlay zone dealing with building materials; (4) to improve language in lighting to protect adjacent properties from illumination nuisances; and (5) to clean up the language in spatial locations and spatial requirements along with the screening of rooftop equipment.

Chairman Smith remarked that the Board had discussed this item in the February 7th Workshop meeting and there were quite a few wording changes and questions. He asked if all of those concerns had been addressed.

Mr. Dutton replied yes.

Chairman Smith asked if anyone wished to speak in favor of this amendment to the zoning ordinance. Hearing none, he asked if anyone wished to speak in opposition to the amendment. Hearing none, he declared the public hearing closed and asked for the Board's pleasure in this matter.

On motion made by Commissioner Pfeifer, seconded by Commissioner Frady to approve the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, B. S.R. 85 North Overlay Zone, and C. General State Route Overlay Zone. The motion carried 5-0. A copy of Ordinance No. 2007-03, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

PETITION NO. 1192-07:

Chairman Smith remarked that this item for the Board's consideration was Petition No. 1192-07, Dan V. Stinchcomb, Owner, and Randy M. Boyd, Agent, request to rezone 213.77 acres from R-40 and A-R to R-50 to develop a single-family residential subdivision consisting of 106 lots. He said this property was located in Land Lots 5, 28, 29, and 30 of the 7th District and fronted on Davis Road and Ebenezer Church Road. He said Planning Commission recommended denial 3-1 and Staff recommended denial.

Commissioner Maxwell interjected that yesterday he was handed a new set of plans for a development consisting of 92 lots on this tract of land. He said he would like to suggest that the Board send this back to the Planning Commission for review before the Board of Commissioners make a final decision.

On motion made by Commissioner Maxwell, seconded by Commissioner Frady to send this item back to the Planning Commission for further review and bring it back to the Board of Commissioners for a decision at the April 12th Board meeting, discussion followed.

Commissioner Frady questioned the date to which this item would be tabled.

Commissioner Maxwell replied that he would like to table this to the second Commission meeting of the month which would be the second Thursday evening in April which would be April 12th.

Commissioner Pfeifer said he had spoken to the County Attorney about this and he had confirmed his impression that this Board would not be voting on a site plan but voting on zoning. He said what the Board had been presented was simply conditions attached to this zoning but the zoning itself was still being requested for R-50. He said because of that and because there were members of the public present tonight who had taken their personal time to come here he would hope that this Board would hear this petition tonight.

Chairman Smith asked if there were any other changes to this other than the number of lots and conditions.

Commissioner Maxwell felt Randy Boyd would need to answer that question.

Randy Boyd said he was the agent for this rezoning. He said this item had gone before the Planning Commission last Thursday because the original meeting had been postponed due to bad weather. He said this resulted in the late submittal which he apologized to the Board for. He said he was not very well received at all at the Planning Commission meeting. He said the applicant had not achieved approval from staff and the Planning Commission recommended denial based on density. He said in this current application they had decreased the number of lots to be in line with the density of one dwelling unit every two acres and the open space area increased from 32 acres to approximately 40 acres. He said the applicant had typed up conditions of zoning to protect all of these lot sizes and to protect the corridor. He asked for consideration to submit copies of this proposal to the Board tonight if it was going to be tabled.

Chairman Smith said there was a motion on the floor to send this petition back to the Planning Commission. He said Commissioner Pfeifer had raised a question as to whether or not there was anything additional other than just a change of lots. He asked if there was anything else in the submittal other than a change in the number of lots. He asked if there were any other conditions or anything else that had changed as a result of this new plat that the Board had just received.

Mr. Boyd said from the meeting that they had with the Planning Commission the applicant had added three more conditions.

Chairman Smith said he felt the Board needed to send this application back to the Planning Commission for further review. He said if this Board was just dealing with one issue he might agree to hear it but since there were additional conditions he would prefer sending it back. He said he had not had a chance to review the new redrawn plat with these additional three conditions.

Commissioner Frady remarked that the Planning Commission had met late due to their original meeting being cancelled due to bad weather. He said the Planning Commission had a member absent as well. He said he had just received the new plat a few moments ago and he would also like to have time to review it. He felt it was perfectly legitimate to send this back to the Planning Commission.

Commissioner Horgan remarked that Pete Frisina had also said there were some additional changes.

Director of Community Development Pete Frisina remarked that Randy Boyd had mentioned that there were additional conditions and this was what he was referring to. He said this new submittal had a reduction in lot size and additional conditions. He said staff would review this application and there were some issues with it. He said if this plan goes back to the Planning Commission, then staff would prepare a new staff report and have the Planning Commission act on it.

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

The motion carried 4-1 with Commissioner Pfeifer voting in opposition.

PETITION NO. 1193-07:

Consideration of Petition No. 1193-07, Coliseum Companies/RK Management, Owners, and Claire Wolfson of Aquaterra Engineering, Agent, request to rezone 44.67 acres from A-R to C-S to develop a single-family residential subdivision consisting of 17 lots. This property is located in Land Lots 18, 19, 20, and 21 of the 9th District and fronts on Peters Road. Applicant requested to withdraw this petition.

Chairman Smith announced that applicant had requested this petition to be withdrawn.

PETITION NO. RDP-007-07:

Chairman Smith remarked that this item for the Board's consideration was Petition No. RDP-007-07, Scarbrough & Rolader Development, Owners, and Randy M. Boyd, Agent, request to revise the development plan for Mountbrook Subdivision to reduce the number of single-family dwelling lots from 63 to 60 plus the addition of an amenity area consisting of 5.07 acres. He said this property was located in Land Lots 6 and 18 of the 6th District and Land Lot 161 of the 4th District, fronted on Redwine Road, and was zoned C-S Conditional. He said the Planning Commission recommended approval 3-1 and Staff recommended approval.

Randy Boyd stated that he was a registered land surveyor and engineer and his office was located at 325 South Lee Street. He said he was the agent for Scarbrough & Rolader Development in this request tonight. He said this property had been rezoned last year from A-R to C-S conditional. He pointed out that now as the property was being developed there was a pristine area between the back of the lots and the flood plain. He said the applicant would like to put an amenities area there. He said they had proposed one up front originally but the first lot on the left had to be used for detention

and the lots had to be reduced from 63 to 60. He said as a part of the C-S zoning the applicant must come back to the Board for any change in the development plans. He said tonight the applicant was requesting the Board's consideration for approval of the amenities area so that a pool and cabana could be developed.

Chairman Smith asked if anyone wished to speak in opposition to this request. Hearing none, he asked if anyone wished to speak in favor of this request. Hearing none, he called the public hearing to a close. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve RDP-007-07 as presented. The motion carried 5-0.

RESOLUTION NO. 2007-06 - ADOPTION OF PARTIAL UPDATE TO THE FAYETTE COUNTY COMPREHENSIVE PLAN:

Chairman Smith remarked that this item for the Board's consideration was partial update to the Fayette County Comprehensive Plan as presented by the Planning & Zoning Department. He said the Planning Commission recommended approval 4-0.

Assistant Director of Planning and Zoning Tom Williams stated that the last full plan update that Fayette County had approved by the State of Georgia was in 2004. He said approximately one year later there were new minimum planning requirements established by the State and shortly thereafter work started on the plan that was consistent with the new regulations. He said this was presented to this Board a year ago last May. He said that plan was approved and transmitted the first two or three elements of that plan being the Community Assessment and the Community Participation Program including the Technical Addendum to the Atlanta Regional Commission and the Department of Community Affairs for review. He said he had not received any comments back from the Department of Community Affairs. He said they had made a determination later in the year that the County would be extending coverage of the existing full plan to 2014 at which time there would be a full plan update that was required. He said they had asked Fayette County to prepare a partial update to the plan and focus on areas particularly the Quality Community Objectives Assessment and areas needing special attention and identify issues and opportunities as well as the addition of a short term work program with additional items contained therein. He remarked that the last element was really what was new for the plan. He said the Quality Community Objectives and the areas needing special attention were included in last year's submittal. He said staff had gone back and established some new activities under the short term work program being primarily the staging of some additional planning work to be done over the next five years.

Mr. Williams further remarked that the Resolution before the Board was to approve the transmittal of this document to the Atlanta Regional Commission and the Department of Community Affairs for review and approval as partial plan update. He said this would take approximately 60 to 75 days for the review and would be back to the Board for approval hopefully in June.

Mr. Williams stated that in addition he had two Land Use Plan amendments that would be under the land use element. He said the first one was located in Tyrone on Old Senoia Road. He noted that both of these were unincorporated islands within the incorporated municipalities of Tyrone and Fayetteville. He said there was an area in Tyrone that was currently in the Land Use Plan as low density residential. He noted that the surrounding development was primarily commercial and staff was recommending a land use change for that site to commercial. He said the other site was located in Fayetteville and was just on the Southwest corner of the intersection of White Road and State Route 314. He said this was a small island in the unincorporated area of Fayetteville. He said staff was proposing that the Land Use Plan be commercial in order to be compatible with the existing Land Use Plan of surrounding parcels in Fayetteville.

Chairman Smith questioned the approximate size of these two islands.

Director of Community Development Pete Frisina responded that these were approximately two to three acres.

Chairman Smith asked if there was anything currently located on these sites.

Mr. Frisina replied that the parcel located in Tyrone currently had three parcels including two small businesses and a house. He said the parcel in Fayetteville was vacant.

Chairman Smith asked how the County had ended up with two islands.

Mr. Frisina replied that there were several islands located within the County and these particular islands were old islands. He said staff was not even aware of the fact that the island located on S.R. 314 even existed until a citizen came in and was asking about it.

Chairman Smith asked if anyone wished to speak in favor of this amendment. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he declared the public hearing closed and asked the Board for its pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to authorize the Chairman to execute Resolution No. 2007-06 approving transmittal of the changes to the Partial Update to the Department of Community Affairs, discussion followed.

Commissioner Pfeifer asked why the Department of Community Affairs was pushing the dates back.

Mr. Frisina replied that staff did not know the reason.

The motion carried 5-0. A copy of Resolution No. 2007-06, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

RESOLUTION NO. 2007-05 - ADOPTION OF THE FULL PLAN UPDATE TO THE FAYETTE COUNTY COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN:

Chairman Smith remarked that this item for the Board's consideration was the Full Plan Update to the Fayette County Comprehensive Solid Waste Management Plan including Brooks, Fayetteville, Peachtree City, Tyrone, and Woolsey as presented by the Planning and Zoning Department and the Engineering Department.

Julian Campbell of the Engineering Department said the purpose of his presentation was two-fold. He said one was to elicit comments from the public as this was the second public hearing for this planning process and secondly to derive comments and approval from the Board for a Resolution by which staff would forward this Plan Update to the Atlanta Regional Commission and to the Department of Community Affairs for their review and approval. He said this Plan was promulgated by the Georgia Comprehensive Solid Waste Management Act and about the third iteration of the County's Solid Waste Management Plan. He said the last one was done in 1998 and covered the years 1999 through 2008. He said for the Comprehensive Plan the Department of Community Affairs eased the planning period for them and they accelerated Fayette County's because they wanted to get the Solid Waste Plans to coincide with the County's Comprehensive Plans. He said this submission would indeed do that. He said the Update Plan that was prepared in 1998 was the first Comprehensive Plan that Fayette County had done. He said that was the recommendation of the Department of Community Affairs and it incorporated all of the municipalities of the County in a single planning document. He said this Update did the same.

Mr. Campbell further remarked that staff had followed a very stringent set of minimum planning guidelines and procedures promulgated by the Department of Community Affairs. He said staff had also followed the format of several like plans that the Department of

Community Affairs provided staff with copies of prepared and approved examples of good plans for some of the local counties and municipalities. He said most of the plans that he had reviewed had been prepared by consultants. He said staff had done this one in house. He said the core elements of the Plan called for an introduction and a delineation of the waste stream and analysis of that waste stream and then an articulation of the County's policies and procedures relative to waste reduction, collection, disposal, and land limitation. He said the land limitation referred to any limitation that might be imposed on the establishment or the building of a solid waste handling facility and the procedures relative to education and public involvement. He said in each of these core planning areas staff had to make an assessment of the County's ongoing procedures, do some analysis of those procedures, provide some branches and sequels relative to any contingencies or disasters that might occur and then provide a set of needs and goals for each of those five core planning elements. He said this document accomplished that and consolidated those needs and goals into an implementation plan. He said staff had published that as a portion to this document as the five year Short Term Work Plan relative to the County's Solid Waste Management procedures. He said highlighted in this Plan was the success that the County had achieved in this planning period for waste reduction and recycling. He remarked for several years the State of Georgia had a quantitative goal of 25% per capita reduction per year. He said they had determined that to be unworkable and unachievable. He said in 2005 the Georgia General Assembly amended that quantitative requirement and revised that requirement such that every effort would be undertaken by municipalities such as Fayette County to reduce the Statewide per capital basis of production of solid waste and put no quantitative measure on that reduction.

Mr. Campbell remarked that in the last planning period the County had a percentage tonnage reduction of approximately 4.29% for 1997 and 1998. He said this year's base line years for 2005 and 2006 Fayette County had achieved 18.2% reduction in 2005 and a 20.5% reduction in 2006. He said this was attributable to several things. He said one was a better response on the part of the public to recycling and waste reduction showing the success of some of the public education and public involvement programs. He said staff felt there had been some better data input this planning cycle than previously. He said a commercial enterprise was now present in the County called Enviro Recyclers. He said they have locations in Griffin, Conyers, Fairburn and one in Fayette County. He said they process approximately 2,500 tons through their facility annually. He remarked that every bit of that was recycled and reused. He said those reductions and eliminations from the waste stream have served Fayette County well and will certainly take advantage of the fact that Enviro Recyclers were located in Fayette County.

Mr. Campbell said he would be glad to take comments and answer any questions that the public or the Board of Commissioners might have. He asked the Board for consideration in approving the Resolution that he would forward to the Atlanta Regional Commission and the Department of Community Affairs for their review. He said staff would then incorporate their comments and recommendations and send that back to the municipalities and to the Commissioners for an adoption Resolution and implement the Solid Waste Management Plan at the commencement of the 2008 fiscal year which was July 1st.

Chairman Smith asked if anyone wished to speak in favor of the Solid Waste Plan. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he declared the public hearing section closed. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to authorize the Chairman to execute Resolution No. 2007-05 approving transmittal of the Full Plan Update to the Department of Community Affairs and the Atlanta Regional Commission, discussion followed.

Commissioner Frady asked if the 162,256 tons was a figure for the entire County and Mr. Campbell replied yes it was.

Mr. Campbell remarked if the County stayed on track it should achieve the now unstated 25% goal in the next year or two.

Commissioner Frady commended Mr. Campbell for doing this project in house.

Chairman Smith also commended Mr. Campbell for doing the work in house and not having to hire a consultant to do it.

Chairman Smith said he had a couple of comments on the Solid Waste document. He called Mr. Campbell's attention to page 21. He said there was a sentence in that paragraph under 4.1.2 illegal dumping/littering. He said the sentence read "One of the County Marshals is dedicated to litter and illegal dump enforcement." He asked if that was a true statement.

Mr. Campbell responded that one of the Marshals did help the Engineering Department in the enforcement of litter control ordinances and some of the stormwater ordinances as well. He said there had already been a typographical correction from the copy that the Board currently had before them. He said his document read that "One of the County Marshals is dedicated to litter and illegal dumping enforcement."

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Chairman Smith said his question referred to the word "dedicated." He felt the word "dedicated" sounded like this was all that this one Marshal did.

Mr. Campbell replied that he would revise that sentence.

Chairman Smith called Mr. Campbell's attention to page 25 in the second paragraph under 4.1.2 transfer stations. He said there was a table reference there that was blank. He said a number needed to be inserted there.

Mr. Campbell replied that was a reference to table 14 and he had made that correction this morning. He said "see table 14" in the paragraph directly above had been eliminated.

Chairman Smith remarked that there were several references in this document to maps that show areas where solid waste facilities cannot be located. He said there was a map that showed the water collection areas where solid waste facilities could not be located. He asked if there was a map that showed where solid waste facilities could be located.

Mr. Campbell replied that there was not one to his knowledge in the planning process nor in the comprehensive plan that would specifically show that. He said staff was asked to address in the portion for which the maps show some depiction those areas where State law and ordinance would preclude the location of a solid waste management facility.

Chairman Smith said his last comment referred to the tables in the back of the report. He said generally speaking he could not tell whether he had a xerographic error with duplicates or whether he had duplicates in the tables. He asked Mr. Campbell to review the tables and make sure there were no duplications in it.

Chairman Smith said he would like to amend the motion to include the two changes which included the one change regarding the Marshals and the wording in that and the deletion of the table reference that was located on page 25 with the caveat that the Board was asking that there be no duplication in the tables.

Commissioner Frady said he would incorporate those changes in the motion and Commissioner Pfeifer said he would second the motion to include the changes.

Commissioner Pfeifer commented that he was involved in the initial discussions regarding the 1993 version. He remarked that Mr. Campbell had done a fabulous job on this.

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Chairman Smith called for the vote with the noted changes.

The motion carried 5-0. A copy of Resolution No. 2007-05 and the Fayette County Comprehensive Solid Waste Management Plan for 2008-2017, identified as "Attachment No. 4", follows these minutes and are made an official part hereof.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on any issues of concern.

TERI GAMBLE: Teri Gamble commented on the possible closing of the Fayette Counseling Center and the effect that this would have on the community. She said the Fayette Counseling Center had saved her life. She said in May of 2003 she was hired at Fulton County as a Court Clerk. She said she had the best insurance that money could buy and private doctors that at the time she felt were the best for her. She said after two and a half years of instability and more than five hospitalizations and a dozen episodes of mania, she came to the realization that she had a disability. She said it was when she lost her job, her car, her sense of independence and almost her life what she came in contact with the Fayette Counseling Center more than six months ago. She said she had no insurance but their sliding scale fees and medication assistance program allowed her to receive the coping skills, the functional skills and the other essential life skills that she needed to reach her full potential. She said this was a long and difficult process that required two therapists and a psychiatric nurse. She said she had one therapist for dealing with her bipolar illness and developing coping skills to handle the anxiety, stress, fear and other psychological things that were associated with having bipolar disorder that prevented her from being healthy. She said she had another therapist for developing functioning skills that helped her with being successful and having a full life. She said she learned basic life skills because her illness impeded her organization, concentration and her attention span. She said her psychiatric nurse regulated her medication and made sure she was getting the correct dosage and even now sometimes adjustments must be made.

Ms. Gamble further remarked that the Fayette Counseling Center was also a great resource agent and got her linked to many different services and organizations within the community that could help her financially including the Department of Family and Childrens Services and the Social Security Administration so that she could get her sense of independence back. She said she lived with her parents and was not able to work. She said with hard work and weekly appointments with her support team from the center she was now a student at Clayton State University with a "B" average in both of her classes. She said the Fayette Counseling Center not only empowered her but they empowered her

parents as well. She said they have family sessions to check in to see how things were working or not working. She said they had improved drastically on their communication and understanding of each other. She said the counseling center had also referred her parents to the National Alliance of the Mentally Ill for Fayetteville and surrounding cities also known as N.A.M.I. She said this resource referral truly helped her parents because it allowed them to be between other parents and family members that were going through a similar journey. She said it also helped them to have a better understanding of what her illness was and how it affected her. She said through their family to family class her parents learned critical coping skills in dealing with her illness.

Ms. Gamble further remarked that millions of people were affected with mental illnesses in this Country. She said thousands of people were affected here in Georgia and a few hundred were right here locally within a twenty-five mile radius of Fayetteville. She said Fayette County was one of the best counties to live in the State of Georgia because of the high quality of life that its residents benefit from. She said if the Fayette County Counseling Center were to close, the citizens' quality of life would diminish drastically because most would have to start over with receiving mental health care from another facility. She said this was a very tedious process as one could imagine. She said starting a new relationship with care facilities was time consuming and the quality of the care may not be there. She said she had private doctors and private therapists that she thought were the best. She said although these doctors had degrees in their field, she did not receive the individualized attention that she received now at the Fayette Counseling Center. She said there were no after hour emergency telephone numbers to call and she could not make same day or next day appointments. She said she could not get free consultation over the telephone if she needed it and would have to travel many miles away from home to go to appointments with her psychiatrist and her therapist being in two different locations. She remarked if she needed lab work done she had to go to another office. She said she appreciated the fact that the Counseling Center was located five minutes from her house. She said she was a resident who grew up in the County as a child, educated through the wonderful school system, and strongly believed that it was the responsibility of the County to provide the same quality of life for all of its residents.

Ms. Gamble further remarked that if the center closed due to not having money for their rent, the County would be leaving behind some of its residents not to mention fellow residents of neighboring cities. She said it was the right of residents of this County to have a public facility that was affordable for people to go to because the Fayette Counseling Center provided services that go beyond the standard quality of care. She said these residents should not have to have people coming to their homes or traveling great distances to receive services. She said for many people part of the therapeutic healing

was getting out of the house. She said receiving care in a vehicle could infringe upon their privacy rights. She said if there was not adequate space, this could be a problem for people with issues of being in tight spaces such as cars and elevators for an extended period of time. She said her support team at the center was like an extension to her family. She said she was aware that the support team had her best interest at heart more so than any other doctor or therapist that she had dealt with previously. She said the center was centralized so that she did not have to go anywhere else to get lab work done, nor did she have to go to different offices to see the different members of the support team. She said the closing of the Fayette Counseling Center would be like losing members to her family and she would be drastically affected as well as the community at large. She said the hospital emergency rooms would have more patients, the courtrooms would have more offenders, the jails would have more prisons and the mortuary might have more bodies. She felt an "ounce of prevention was worth a pound of cure." She said the Fayette Counseling Center provided services that were preventive which help keep the community healthy and safe. She asked the Board to take to heart everything that she had said and know that she represented one of the 200 plus people who were serviced by the center not to mention the family members who were impacted.

Chairman Smith said he was going to break tradition at this time since the Board normally did not respond to public comments and say a few things. He commended Ms. Gamble for the courage to get up in public and share what she had just shared. He said this had taken a great deal of effort on her behalf to break that barrier and get up and do that. He said he also wanted to thank her for a very well written piece. He remarked that it was obvious that she had put a lot of thought into it and she had delivered it well. He said he also wanted to thank her for her road to recovery. He said it took a lot of effort to get on a road to recovery and admit that help was needed. He said he wanted to commend her for that as well. He congratulated her in all of those areas and thanked her again.

Chairman Smith asked if anyone else wished to speak to the Board.

DR. DIOTA GRIFFIN: Dr. Griffin commented on the possible closing of the Fayette Counseling Center. He said he was currently a Child and Adolescent Psychiatrist and worked at Emory University School of Medicine. He remarked that he was also a resident of Fayette County. He said mental illness affected people of all walks of life including people who work. He said if the Fayette County Counseling Center were to close, he imagined that citizens of Fayette County who work and have mental illness would get sick and have a decreased ability to work which would lead to decreased earning income. He said his area of expertise and concern were children and adolescents and remarked that Fayette County had one of the best school systems in the State of Georgia. He said if the

Fayette County Counseling Center were to close he would imagine the school system becoming overwhelmed with no place for these kids to go. He said he believed it was the right of every citizen of this County in which he paid taxes and lived, to have adequate access to mental health care. He said it was his hope that the Board of Commissioners would do everything in its power to make sure that this center would not close.

Chairman Smith asked if anyone else wished to address the Board.

BILL STANKEWITZ: Bill Stankewitz commented on the possible closing of the Fayette Counseling Center. He said he and his family had been residents of Fayetteville for the past five to seven years. He said his daytime job was Vice President of Shippers Warehouse where approximately 1,000 people were employed here in the State of Georgia. He remarked that his full time job was with his wife involving the care of their disabled child who was diagnosed with Schizoaffective Disorder. He said the Counseling Center had done an outstanding job in the counseling and treatment that his son had received. He urged the Board to take some hard data evidence as presented by some of the other individuals who had spoken tonight about maintaining the center and keeping it open. He said it had been a great benefit to the community and helped people with mental illness to become better citizens. He asked for the Board's consideration in keeping this center open.

Chairman Smith asked if anyone else wished to address the Board.

ALICE JONES: Alice Jones expressed concern with the progress of Kenwood Park. Ms. Jones said she was the Vice President of the North Fayette Community Association and was present tonight to speak on behalf of the residents of that area. She said they held their last meeting on February 17th and the concerns were the slow progress on the Kenwood Park project. She remarked that she had spoken to the Director of Recreation Anita Godbee about the plan and the Phase I development. She said Ms. Godbee had assured her that the Commissioners were working to speed up efforts on progress of the Park. She said she became concerned after reading in the newspaper about all of the budgeting dilemmas and decided to come before the Board tonight and ask whether or not there was going to be any reduction in the completion of Phase I and to continue the progress of the Park. She said this Park was also a park that was needed to enhance the development of families and to bring families together and to provide quality time with families. She asked for the Board's consideration in making progress continual and the funds allocated in a timely manner to make sure that this Park was completed.

Chairman Smith asked if anyone else wished to speak to the Board. There were no further comments.

CONSENT AGENDA: Chairman Smith requested that item no. 9 be removed for discussion. On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to approve consent agenda item nos. 1, 2, 3, 4, 5, 6, 7, and 8 as presented. The motion carried 5-0.

SHERIFF'S OFFICE: Approval of staff's recommendation to transfer \$1,180 from Sheriff - Administration cleaning supplies to Capital Project Account "C7040" ID Card System. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

MENTAL HEALTH BOARD APPOINTMENT: Approval of appointment of Brenda Cox to the Region 3 Mental Health Board for a three-year term commencing April 1, 2007, and expiring March 31, 2010. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

MENTAL HEALTH BOARD APPOINTMENT: Approval of appointment of Harriet Steele to the Region 3 Mental Health Board for a three-year term commencing April 1, 2007, and expiring March 31, 2010. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

PUBLIC FACILITIES AUTHORITY APPOINTMENTS: Approval of reappointment of the current members of the Public Facilities Authority to another one-year term commencing March 1, 2007, and expiring February 29, 2008. The current members are Chuck Watkins, Mary Shaver, and Jack Smith. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

FAYETTE COUNTY DEVELOPMENT AUTHORITY APPOINTMENT: Approval of appointment of Hollis Harris to the Fayette County Development Authority to fill the unexpired four-year term of Jack Smith which commenced on April 10, 2006, and which will expire on April 9, 2010. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

FRIENDS OF THE FAYETTE COUNTY PUBLIC LIBRARY: Approval of acceptance from the Friends of the Fayette County Public Library to purchase three Gateway E-2600D computers with a quote being in the amount of \$1,015. A copy of

the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

BID AWARD NO. 599 - GUARDRAIL INSTALLATION AWARDED TO MARTIN ROBBINS FENCE COMPANY: Approval of staff's recommendation to award Bid #599 Guardrail Installation to low bidder Martin Robbins Fence Company in the amount of \$22,826 and authorization for the Chairman to execute subsequent contracts, subject to submission of applicable bonds and other documents. A copy of the request and contract, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

TRANSFER OF FUNDS OF UNUSED FY'07 PAY FOR PERFORMANCE AND SALARY INCREASES: Approval of staff's recommendation to transfer \$44,617 of unused FY'07 Pay for Performance and Salary Increases Contingency to the County's overall Contingency account. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meetings held on February 7 and February 22, 2007.

Chairman Smith reviewed two typographical errors that needed correction in the February 22nd Board minutes.

On motion made by Chairman Smith, seconded by Commissioner Frady to approve the February 22, 2007 Board of Commissioners minutes with the recommended changes. The motion carried 5-0.

Chairman Smith suggested the minutes for the February 7, 2007 Board of Commissioners' meeting be tabled for consideration to the April 4, 2007 Board of Commissioners' meeting.

ORDINANCE NO. 2007-04 - ADOPTION OF THE PROPOSED AMENDMENTS TO THE FAYETTE COUNTY CODE, CHAPTER 5. BUILDINGS, GENERAL FEES, SECTION 5-112 WORK EXEMPT FROM PERMIT (A) BUILDING (1) AND SECTION 5-212 WORK EXEMPT FROM PERMIT (A) BUILDING (1) OF THE CONSTRUCTION CODES ORDINANCE:

Director of Permits and Inspections Derek Sorensen remarked that this item for the Board's consideration was the full plan update to the Fayette County Comprehensive Solid Waste Management Plan including Brooks, Fayetteville, Peachtree City, Tyrone, and Woolsey as presented by the Planning and Zoning Department and the

Engineering Department. He said currently the Construction Code of Ordinance was in conflict with the Zoning Ordinance. He said the Zoning Ordinance required a building permit for structures 200 square feet and greater. He said the current Construction Codes Ordinance exempts work from a permit for structures that did not exceed 120 square feet. He said staff was proposing amending Section 5-112 Subsection A item (1) and Section 5-212 Subsection A item (1) of the Construction Codes Ordinance to read as follows: One-story detached accessory structures less than 200 square feet used as tool and storage sheds, playhouses and similar uses.

Mr. Sorensen further remarked that exemption from a building permit would only affect the architectural and structural elements. He said this would not apply to the mechanical, electrical or plumbing disciplines. He said where there were plumbing, electrical or mechanical systems installed in structures of less than 200 square feet a permit for those disciplines would still be required.

Chairman Smith asked Attorney McNally if this proposed amendment to the Code of Ordinances would require a public hearing.

Attorney McNally replied no.

Chairman Smith remarked that the Board had discussed the reduction from 200 square feet to 120 square feet in a Workshop meeting a couple of months ago and this was a followup technical correction. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to approve the amendments to the Fayette County Code, Chapter 5. Buildings, General Fees, Section 5-112 Work Exemption from Permit (A) Building (1) and Section 5-212 Work Exempt from Permit (A) Building (1) of the Construction Codes Ordinance with the recommended changes. The motion carried 5-0. A copy of Ordinance No. 2007-04, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

RESOLUTION NO. 2007-07 - APPROVAL OF RESOLUTION PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PROVIDE FUNDS FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON \$30,000,000 IN THE AGGREGATE PRINCIPAL AMOUNT OF THE FAYETTE COUNTY SCHOOL DISTRICT GENERAL OBLIGATION BONDS, SERIES 2007:

Chairman Smith asked if anyone from the School Board was present for this discussion.

Comptroller for the Fayette County Board of Education Lee Davis remarked that in 2004 Fayette County citizens had approved a bond resolution for \$65 million. He said the first phase of the Bonds were done in 2005 which was approximately \$35 million. He said this was the second phase and the amount was \$29,965,000. He pointed out that the total amount was less than the \$65 million that voters had approved. He asked for the Board's consideration to approve this request regarding the Resolution for the Bond issue.

Chairman Smith remarked that although this was the School Board's tax the Board of Commissioners must approve the collection of the money for this Bond. He said the Resolution was for this Board to approve the collection of the Bonds that the voters had approved.

Mr. Davis replied that was correct.

Chairman Smith asked for clarification on the Resolution that would be approved. He said the Resolution in his possession stated the amount as \$30,000,000 and not \$29,965,000.

Mr. Davis remarked that he had a corrected Resolution for the Board's signature listing \$29,965,000 as the correct amount.

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

On motion made by Commissioner Frady, seconded by Commissioner Horgan to adopt Resolution No. 2007-07 in support of the Fayette County Board of Education General Obligation Bonds and authorize the Chairman to execute the Resolution. The motion carried 5-0. A copy of Resolution No. 2007-07, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one real estate matter and four legal items with the Board.

EXECUTIVE SESSION: On motion made by Commissioner Frady, seconded by Commissioner Horgan to adjourn to Executive Session to discuss one real estate matter and four legal items. The motion carried 5-0.

REAL ESTATE: Attorney McNally discussed a real estate matter with the Board.

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

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

The Board took no action on this matter.

LEGAL: Attorney McNally briefed the Board on a legal item.

The Board took no action on this matter.

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

On motion made by Commissioner Horgan, seconded by Commissioner Frady to authorize Attorney McNally to proceed in this matter. The motion carried 5-0.

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

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Frady, seconded by Commissioner Horgan to authorize the Chairman to execute the Executive Session Affidavit affirming that one real estate matter and four legal items were discussed in Executive Session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

Chairman Smith reconvened the meeting at this time and stated that the Board had discussed one real estate matter and four legal items and directed Attorney McNally to proceed in the real estate matter and also directed Attorney McNally to proceed in one of the legal matters. He said the Board had not taken action on any of the other legal items.

On motion made by Commissioner Horgan, seconded by Chairman Smith to adjourn the meeting at 9:30 p.m.
The motion carried 5-0.

Karen Morley, Chief Deputy Clerk

Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of April, 2007.

Karen Morley, Chief Deputy Clerk