

The Board of Commissioners of Fayette County, Georgia met in Official Session on February 28, 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
Peter Pfeifer
A.G. VanLandingham

COMMISSIONER ABSENT: Herb Frady

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
Carol Chandler, Executive Assistant
William R. McNally, County Attorney
Kathy Zeitler, Zoning Director
Linda Rizzotto, Chief Deputy Clerk

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

BOARD WELCOMES SCOUT TROUP #276:

On behalf of the Board of Commissioners, Commissioner VanLandingham welcomed Boy Scout Troup #276 to the meeting. He said members of the Troup were in the process of learning about citizenship and were here to find out how the business in the county was conducted. He also welcomed the leaders of Troup #276.

PUBLIC HEARING:

CONSIDERATION OF PETITION NO. 1088-01, RUSSELL WELCH, OWNER/AGENT:

Vice Chair Wells dispensed with stating the Zoning Rules for this evening. Ms. Zeitler, Zoning Director, read the petition requesting to rezone 4.04 acres from A-R to R-72 to develop two (2) single-family residential lots. This property is located in Land Lot 42 of the 5th District and fronts on Homers Place.

Russell Welch stated he wished to divide his land so that his niece could be close to her mother. He added his niece is a single parent with two children and he wanted to divide his land to help her.

Chairman Dunn asked for a show of hands of those wishing to speak in opposition to or in favor of this petition and no hands were raised.

There was no discussion from the Board members.

On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to approve Petition No. 1088-01 as presented. The motion carried 4-0. Commissioner Frady was absent from the meeting. A copy of the Resolution and Ordinance for Petition No. 1088-01, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

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DISCUSSION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY DEVELOPMENT REGULATIONS REGARDING ARTICLE III. STREET DESIGN STANDARDS AND SPECIFICATIONS, SECTION 8-52. RESIDENTIAL ACCESS:

Chairman Dunn stated the next item on the agenda was a Public Hearing on the Planning Commission's recommendations for some development regulations changes on Street Design. He stated that Commissioner Frady was out of town tonight on county business in Washington, D.C., and he requested that this be tabled until Mr. Frady's return because he had comments he wished to make on this matter.

It was the consensus of the Board to grant this request and to defer this matter until the meeting scheduled for March 14, 2002.

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CONSIDERATION OF ADOPTION OF INTERIM OBJECTIVES AND POLICIES TO THE FAYETTE COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN TO BE UTILIZED IN THE DEVELOPMENT OF A CAPITAL IMPROVEMENT PROGRAM:

Chairman Dunn announced this issue was suppose to be discussed on the agenda for February 14, 2002, and it was tabled until today at the request of some members of the Board who desired some clarification on some things. He mentioned there were a number of things the Board needed to get final resolution on, as well as changes needed to be made. He said the Board's intention tonight was to pull this issue from the agenda and to keep it off until the Board could get information from the staff.

Commissioner VanLandingham said he agreed with Commissioner Dunn because there were various changes made by various Commissioners, and he felt it would be beneficial to put it off until the Commissioners could review all of the changes.

Vice Chair Wells said her only concern was that she wanted staff to have time to make the changes, but this Board was going to be looking at the budget rather quickly, and the department heads were going to need some of the deadlines. She pointed out that this

should not be put off indefinitely because it would not be fair to the department heads and staff.

The other Commissioners agreed with Ms. Wells. Chairman Dunn stated this matter will be off of the agenda until the staff brings it back to the Board in a full package.

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NEW BUSINESS:

ATLANTA HIGHWAY ENFORCEMENT AGAINST AGGRESSIVE TRAFFIC GRANT:

Major Hannah with the Sheriff's office called attention to the package he furnished the Board recently about this grant. He said he hoped he was able to lay everything out and answer a lot of the Board's questions ahead of time. He commented that, basically, this was a reimbursement grant that is being offered by the Governor's Office on Highway Safety. He said the Office of Highway Safety wants the county to target aggressive driving and drunk driving enforcement. He noted this would be 3 vehicles and 3 people and they would fund the 3 vehicles and the majority of the equipment. He added the county would be responsible for 1 salaried position and miscellaneous minor equipment. He said this was basically down to an 18 month period, which expires September 30, 2003. He said the figures he gave the Commissioners were what was needed out of this budget, what was proposed for the upcoming budget, and then there was a small amount that was covered by the state in the 2003-2004 budget. He stated beginning October 1, 2004, the county would pick up basically the funds for the third position. He asked if there were any questions he might answer.

Commissioner Pfeifer said some of the concerns he had we talked about, and he was still weary of grants from the state and federal government, making sure they did not turn around and bite us.

Major Hannah said he understood what Commissioner Pfeifer was saying. He said he, also, had a lot of questions answered up front whether or not these people will be able to assist us now, or will they be grant specific, and doing their own thing. He said he found out these 3 people could be trained to basically do what the traffic enforcement personnel were doing now. He said these people can augment traffic enforcement but their primary job would be aggressive driving and DUI enforcement. He said they could also be used in areas where we have enforcement personnel now. He pointed out that the State asks, that once the grant ends, these people continue in the position in the traffic enforcement area, preferably in the lines of traffic enforcement and DUI enforcement. He noted if the Sheriff's Office can train the new staff, which they found out they could do, to have the same training that staff has now in traffic enforcement, then once this grant ends, they just

blend in with the traffic enforcement and we will have 3 additional people that cover all areas.

Commissioner VanLandingham commented that it was his understanding that once the grant period was over, that these people could be integrated into the regular force. He said vehicles and all will be part of the regular program.

Major Hannah pointed out the only thing the State was really specific on, was that the outside appearance of the vehicles have specific marking during the 18-month period and once that ran out the county could change the color to match our other vehicles.

Chairman Dunn asked Mr. Hannah if he had a list of the seven other jurisdictions that have taken the money.

Major Hannah said there was only one agency that he was aware of that was offered the grant program, but elected not to use it, and that was Clayton County. He added the counties using the money were Cobb, Gwinnett, DeKalb, Fulton, Henry, and College Park.

Chairman Dunn asked why several counties in the Metro area were not offered the program.

Major Hannah said he understood that Fayette County was not offered the program in the beginning last summer because the funds were not there. He stated they wanted to fund 12 agencies and we were told that we were number 11 but they found they could only fund 10. He said once Clayton dropped out, they came back and offered it to us.

Chairman Dunn said it was his understanding that this was designed for interstate enforcement.

Major Hannah remarked this was one of their preferences that they had, that it would go to agencies that had interstate along their jurisdiction. He added the goal they were looking for was travelers traveling through the Metropolitan Atlanta area. He said once the travelers entered the Atlanta area and Cobb County, they would see these cars all the way on through Henry or Fayette, whichever way they elected to go, or Fulton if they went south on I-85. He commented it would be the numerous agencies within the Metro area that would have all of these cars marked the same. He said their goal was basically to work the Interstate but they reconsidered that.

Chairman Dunn said he talked to his counterpart in Clayton County yesterday and he said he had not turned down this money because he had never been offered it, to his

knowledge, in the first place. He add that didn't mean that someone else in Clayton County turned it down for him.

Major Hannah said his understanding of the situation there was the Chief did not like the selection of cars. He said this is what he was told.

Commissioner VanLandingham questioned whether the grant came through law enforcement.

Major Hannah said technically the letter was addressed to the County Commission.

Chairman Dunn stated the original letter and the study Mr. Hannah gave him was addressed to him (Dunn), but he pointed out to one of the other Commissioner's earlier tonight that he had never received the letter until this study was brought over by Mr. Hannah as far as he knew.

Commissioner VanLandingham asked for clarification on the 3 deputies. He asked if once the 3 deputies were involved in our regular work force, would this go towards satisfying the budget manpower request?

Major Hannah said yes, it would.

Commissioner VanLandingham asked if this would be on top of another request and Major Hannah said, "No".

Major Hannan said the Sheriff's Office started their budget process, within the division, prior to receiving this grant offer. He said they looked back at the 1998 CIP Plan, and in looking at that, and what we had projected versus what we actually received, he found he was 3 people short at this point. He added that their office was prepared to ask for 3 more people in the upcoming budget, if their office received this grant that would satisfy him. He added that once the grant ran out, he was not sure where they would stand at that point and a lot of that would be up to the Sheriff as well.

Chairman Dunn pointed out that part of the grant period was over. He said he was trying to determine how much money the county would get from this grant. He clarified that the county's portion would be pro-rated and he assumed that the State's would also, so the county would not be getting the amount of money that was listed in the study.

Major Hannah said if the county was offered this to begin with and were able to start October 1, 2001, the 2001 - 2002 budget year that the State would have covered would have been \$232,000 plus, and by starting in April, the figure was down roughly to about

\$164,000. He commented the county's portion would have been about \$62,000 and that was now down to about \$31,000 for this current budget period.

Chairman Dunn noted that the figures were based on a federal budget cycle of October 1 so we have already missed out on one fourth of the 2-year grant period. He stated we did not stand to have the total benefit of the money.

Major Hannah commented that if their office had gotten started on October 1, 2001, the total benefit from the State would have been \$355,000 and that figure would now be at \$286,000.

Chairman Dunn said a year and a half from now the county will have to pay for everything.

Major Hannah said the county would pickup basically what would be left which would be for vehicle maintenance and salary for that one position.

Chairman Dunn said it would be salary for the other two positions too, so it would be for everything from then on.

Major Hannah stated he talked with the Deputy Director of the Governor's Office of Highway Safety and he said normally these grants can be applied for again, but there was no guarantee at this point, and we would have to see when the time comes.

Chairman Dunn said he thought this was a great initiative and staff had done a good job with it, and any time the Board of Commissioners could get help for the street, he felt they should do it. He was concerned about all of the process here with the State and Federal government, and he has been really sorting through this for several days now trying to figure out this maze. He stated one of the questions asked a few minutes ago was, could we use these people now for anything else and the answer was yes, they could be trained and integrated. He mentioned there was some wording in the grant that bothered him because he had to sign the page of Terms, Conditions and Certification, and one of his problems was that someone from the State probably told Mr. Hannah the new staff could be trained and integrated. He said first of all, everything is done on a reimbursable basis so each month we would have to do reports and send in our expenditures to get reimbursed. He noted the comment on Page 21, Paragraph 15 said, "Cost of personnel can only be reimbursed for the time spent directly on this project". He added if this staff person did anything else, somebody would have to pay him and it would not be the State.

Major Hannah said the overall initiative here is that traffic enforcement comes under DUI and Aggressive Driving. He commented in talking with the Deputy Director and Mr. Moore, the Program Planner, they were both comfortable with the idea of what we are already

doing. He said the State was trying to get other agencies to do what we are doing now, occupant safety, the child safety seat and things of this nature. He said since we were already doing this, and this group could be a part of what we were already doing.

Chairman Dunn said when he read through the legal requirements, it was very apparent that they did not want this staff doing anything but traffic enforcement as far as this program was concerned.

Major Hannah said he did not see these staff members being reassigned for the Drug Task Force or anything like that. He added that an officer's safety issue came into play as well as resources. He said the way it was explained to him, for example, was if he had two traffic enforcement units on an evening shift and a grant car working, the two traffic enforcement cars would receive the first dispatch to traffic crashes and if a third dispatch came, the grant car would take the third call. He said this was the grant cars secondary but not primary concern, unless that crash involved a DUI driver, then the grant car could take the primary call. He said the State asks that we exhaust our other resources first on dispatch calls, then use the grant car. He added the grant car was still specific under traffic enforcement.

Chairman Dunn said he read in his information that anytime a grant car was involved in anything like that, we have to send them all the traffic investigation information.

Major Hannah stated they were asking for certain crash data and that was another thing they were trying to gather out of this. He said they were asking for certain crash data to meet some of their requirements that was actually trickling down from the federal government on crash statistics.

Commissioner VanLandingham asked if we were to observe that one sentence to the perfect letter, then if this officer was out on patrol and he saw a bank robber running out of a bank with a loaded gun, for seeably he could not stop him.

Major Hannah said this officer could stop him.

Commissioner VanLandingham said he knew he could stop the bank robber, but we could not claim his time on this program if we carry it to the letter, and he did not think this was the intent of that statement, "They could not enforce laws". He mentioned that he felt that if they were out there and something happened, they could enforce the law. He said he did not feel the letter of that was what the county ought to adhere to. He said we should not hang on that one sentence that says they cannot do other things.

Chairman Dunn said being a certified officer, they would be morally bound to enforce it. He said the other thing is the termination of the process, do we integrate our cars and people into the rest of the force. He pointed out that Page 26, Paragraph 35 says, "The level of activity on continuing projects should extend to the point in the future, substantially beyond the project expiration date. There should not be a significant reduction of level of thrust for this effort". He said the county has to commit to this, that we will continue to operate this program even after that period.

Major Hannah said he understood what Mr. Dunn was saying. He added if we did not have a Traffic Enforcement Division, and we brought these 3 people on board, and the grant ended, yes, they would have to continue in traffic enforcement duties. He stated since we have a Traffic Enforcement Division, they can integrate with that once the grant was over. He added the county was already doing what the State wanted the others to do.

Chairman Dunn stated most of this data that was presented to the Board, and the reason he really got involved in this, was because he was the one having to sign for this grant and certify that everything was being done according to the myriad of requirements. He commented he did a quick count today and there were 26 Federal and State laws and regulations he had to certify that we were now complying with, and will in the future. He said there were also some general statements talking about classes of laws that we have to comply with and he did not know which ones they were talking about. He said there were audit requirements, inspections to undergo by the State, monthly and quarterly annual reassessments, and an end-of-year grant period inspection and audit to go through. He said he wondered if the county wasn't getting into something here where the administrative requirements would overwhelm the efficiency of the operation, to the point that we might not want to do it. He said he would like to get more officers on the road, especially if we can get them at a reduced cost to the taxpayer, though he was concerned about the long-term cost, and at this point if anyone knows whether we are complying with all of the laws and regulations and he had to certify that we were in compliance.

Chairman Dunn suggested to the Board that it defer this matter until the County Attorney has had time to do an assessment of the legal requirements. He stated if the county did anything wrong, we could be cited for it, and they can take all of the money back that they have given us in the program before, and we then become responsible to pay all the bills for the vehicles and policemen. He stated he had to be certain tonight that everything was lined up and in order before he would be ready to vote on it. He said he thought the package staff had put together was superb, and he was glad to see the Sheriff's personnel trying hard to access money to get some of this done.

Chairman Dunn suggested this matter be deferred until the March 14, 2002 meeting to give the County Attorney time to do an assessment of the legal requirements.

Chairman Dunn asked if there were any other comments.

Commissioner Pfeifer stated he agreed with what Commissioner Dunn had said.

Commissioner VanLandingham asked if we were going to go past the deadline with the grant.

Chairman Dunn stated according to the paperwork we were already past it.

Deputy Sheriff Brian Woody commented this was what they initially offered. He said it was his understanding that no one got on board early enough to get started by October 1, 2001. He added that many other agencies were still trying to get things going. He said he could ask for an extension from the Governor's Office on Highway Safety, and did not see a problem with this.

Chairman Dunn stated while he attended an ARC meeting the other day, he discussed this grant with them and some of them turned it down because they did not want to take part in it. He said there were some laws in here that he just was not familiar with. He thanked Major Hannah for his efforts on this.

CONSENT AGENDA: *On motion made by Vice Chair Wells, seconded by Commissioner VanLandingham to approve the Consent Agenda and Addendum to the Agenda as presented. The motion carried 4-0. Commissioner Frady was not present at the meeting.*

NATIONAL PRAYER DAY APPROVED: Approval to permit use of the fountain area at the Administrative Complex for the National Day of Prayer event that is to be held on May 2, 2002, from 6:30 a.m. to 8:30 a.m.

RECREATION - BID AWARD FOR SOCCER FIELD LIGHTING TO SOUTHERN OUTDOOR LIGHTING: Approval to award the bid for soccer field lighting to Southern Outdoor Lighting at a bid price of \$44,442. A copy of the bid, identified as "Attachment No. 3", follow these minutes and becomes an official part hereof.

APPROVE SIGN REQUEST FROM THE CHAMBER OF COMMERCE: Approve request from the Fayette County Chamber of Commerce to erect a sign on the northwest corner of the Old Courthouse from August 20, 2002 through September 3, 2002, to advertise a show case opportunity for small businesses within the south metro area and as a fund raising initiative for the Chamber of Commerce.

SHERIFF'S DEPARTMENT BUDGET TRANSFER REQUEST APPROVED: Approval of request to transfer \$4,828.59 from the general budget fund to the Sheriff's Department budget category #130-5433. This is the result of an accident involving a patrol vehicle.

SHERIFF'S DEPARTMENT BUDGET TRANSFER REQUEST APPROVED: Approval of request to transfer \$5,685.69 from the general budget fund to the Sheriff's Department budget category#130-5433 for vehicle repairs due to an accident involving a patrol vehicle.

SHERIFF'S DEPARTMENT BUDGET TRANSFER REQUEST APPROVED: Approval of request to transfer \$915.30 from the general budget fund to the Sheriff's Department budget category#130-5433 for vehicle repairs due to an accident involving a Sheriff's Department vehicle.

TAX AUDITING SERVICES CONTRACT APPROVED WITH MENDELA AND ASSOCIATES: Approval of request to authorize the Chairman to execute a contract with Mendela and Associates for property tax auditing services. A copy of the contract, identified as "Attachment No. 4" follows these minutes and becomes an official part hereof.

WATER SYSTEM APPROVED TO SHUT DOWN CEDARTREE WELL PERMANENTLY AND TEST PAINT SAMPLES FOR PAINTING THE TANK IN PEACHTREE CITY:

Approval of requests from the Water Committee to:

1. Shut down the Cedartree well permanently, and,
2. Test different paint samples on the 250,000 gallon tank in Peachtree City for one year to see which paint works best

THE COUNTY'S UPDATED EMERGENCY OPERATIONS PLAN APPROVED: Approval of County's updated Emergency Operations Plan as required every four years by the Georgia Emergency Management Act.

APPROVAL OF FINANCE DEPARTMENT BUDGET ADJUSTMENTS FOR RESTROOMS AT MCCURRY PARK AND EXTRICATION EQUIPMENT FOR EMERGENCY SERVICES:

Approval of request from the Finance Department for budget adjustments concerning (1) request of \$15,000 to increase the Capital Projects Fund with a transfer from the General Fund Contingency Account to fund additional costs associated with restrooms at south McCurry Park soccer fields, and (2) request of \$3,500 from the General Fund Contingency Account for extrication equipment for Emergency Services.

BID AWARDED TO BLEND CONSTRUCTION COMPANY IN THE AMOUNT OF \$52,999.00 FOR RESTROOM FACILITIES AT SOUTH MCCURRY SOCCER FIELDS:

Approval of request from Engineering for additional funding for the restroom facilities at McCurry Park. A copy of the bids, identified as "Attachment No. 5" follows these minutes and becomes an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on February 14, 2002.

DOT CONTRACTS APPROVED FOR RESURFACING: Approval to authorize the Chairman to execute the following DOT contracts for the resurfacing of 17.870 miles on various county roads:

LAR32 - 39 - 4 (113) C1
PR-65-1 (113) C1

A copy of the contracts, identified as "Attachment No. 6" follows these minutes and becomes an official part hereof.

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.

WES WILKINS:

Wes Wilkins, 150 Gaelic Way, Fayetteville, Ga., commented he lived in Gaelic Glen Subdivision for the past 6 years. He stated he has two daughters who attend Burch Elementary. He remarked since October 1, 2001, he and his neighbors and the surrounding areas have been plagued with radio frequency interference from the FM Station WHTA 107.9 broadcast from a tower on Swanson Road. He said this was a tower that should never have been built, but at any rate, we are reaping the consequences. He commented the broadcasts were disruptive and could be heard distinctly though the TV's, radios, stereos, telephones and computers. He said it did not matter what time of day it was, the content of the disc jockey's dialogue, and the lyrics of the songs could be heard distinctly through the homeowner's electronic equipment. He said no matter what the problems in their subdivision's may be, they were mostly concerned that potentially hundreds of children, particularly at Burch School, were having their day disrupted by the same frequency interference. He added he was sure this was happening over at the middle and high school on Jenkins Road as well. He said he felt it was obscene that the children were being exposed to this station in their homes and at school. He stated unfortunately the music that the station broadcasts frequently contains sex and violent overtones, and was mixed with profanity. He said the disc jockey's often make suggestive sexual remarks.

Mr. Wilkins commented he has had TV coverage, newspaper publicity and has made calls to the F.C.C., and he has also sent them a petition. He said he has made enough calls to the station itself that they have sent out their own expert to investigate the problem. He said he was asking now for help from the Board of Commissioners, for his subdivision, schools in the areas, the local churches on Jenkins, and the daycare center on Jenkins. He said he also went to the Board of Education's meeting Monday night and asked for their help. He remarked the people fear that the various solutions proposed such as filters, and grounding of the tower, will not sufficiently address the problem. He stated there would be a Zoning Variance hearing to consider raising the tower to more than 500 feet at the next zoning meeting, March 25th. He said he was asking for help to protect the children, their property values and their quality of life.

Chairman Dunn commented he thought everyone on the Board was familiar with the problem that was happening now in the Gaelic Glen Subdivision and surrounding area. He added all members of the Board have received calls from people who were disturbed about this problem. He stated the Administrative office has contacted the F.C.C. on behalf of the people in the county and we have been rebuffed as you have. We have been told that our complaint was forwarded to Washington, D.C. and any future contacts should be made to the Washington office. He stated our office will continue to contact them but how much success we will have here he could not say. He said this was clearly an F.C.C. enforcement problem. He remarked that this office could not direct the station to stop broadcasting, we cannot direct them to do anything with their equipment. He added one of the biggest problems we have there now was they are transmitting to powerfully. He said they could reduce their transmission and probably solve this problem but he had been informed that they would not do this. He mentioned the solution that someone was trying to come up with now was by making a 500-foot tower, 525 feet and perhaps that would help. He said we do not know whether this would help or not. He commented the Zoning Board of Appeals will hear this but we have a county ordinance that says you cannot have a tower more than 500 feet.

Mr. Wilkins said they live near the tower and have issues with any ordinance change to making towers higher or approval for a variance on the current tower that is there.

Chairman Dunn said he did not know if there was any movement to have the ordinance changed but we were certainly not considering that at this point. He stated the bottom line here was the F.C.C. is the agency that we need to pressure to do something about this problem. He said he did not know how long it would take us to be heard but we are going to try. He added that the School Board and he have talked about this as well and they asked for our help because of all of this interference coming into the schools. He remarked while we were all sitting here asking what do we do, our Federal government was responsible for stopping the station from doing this and, whether or not the government will do it, we did not know. He said our next step was going to be our Congressman and Senators, that may be able to influence the F.C.C. better than we can locally. He said we would continue to fight this matter alongside our citizens. He said he wished we had a solution today but we do not, and they were not going to comply because we ask them to as you know. He added that many people have already asked them to do something good for the community and that apparently was not going to happen. He stated we would fight it to the best of our ability. He mentioned he did not think it was right for somebody to suggest, by the way, that you should have to put filtering equipment on all of your electronics so you do not have to hear this stuff.

Mr. Wilkins stated the station had been out to his house and tried the filter system. He commented when you have people moving in and out of the subdivision, and he asked the station if they were going to filter each person's equipment. He explained the children use small tape recorders at school, and they were like the one his child has that you sing to,

and it is coming over that, and there was no way to filter this. He said it was the same way in the school system when they get new equipment, do they have to go through the same process. He asked how long this was going to go on. He said it seemed like there was no end to this as long as they broadcast from the tower.

Commissioner Wells said she talked with Senator Max Cleland's office and Mac Collins' office and we have received responses from both of them, and that they were going to be working with the F.C.C. She encouraged the citizens to contact these offices also because elected politicians respond best to their electorate and she thought some of these people contacting them individually would go along way. She said she had forwarded to both offices, a packet of the concerns, the newspaper articles and the responses that we have gotten from the radio station and they have assured Ms. Wells they were working on this. She said we would be talking to the F.C.C. and where it would go from there she did not know, but at least we have called in the big dogs.

Chairman Dunn reminded those present that the hearing to extend the tower will be heard at the Zoning Board of Appeals meeting and the potential to solve the problems could not be guaranteed at this point. He said one of their concerns was if they put it up higher, they would broadcast even further out and the county would have more communities with the same problem.

Mr. Wilkins stated he was in medicine, not in electronics and he could not see this helping. He said he spoke with their expert, Mr. Allgood, that was hired to help solve the problem and they were paying him to solve the problem. He told me about raising the tower that if everything else was working like it should, raising the tower would not help, and this was coming from their expert.

Commissioner VanLandingham stated the County Administrator, the Director of Zoning, and himself scheduled a meeting in the morning with American Tower. He said he had no idea what they were going to talk about. He asked if anyone had a recording of anything that had come through their equipment at home.

Mr. Wilkins said that was his next step. He stated when he approached the F.C.C., he asked them how he could share that what was being broadcast was obscene. He said the F.C.C. sent him a packet of information to fill out where you have to have the date, time, what was said, who said it, and it was a lot of government paperwork to fill out. He noted it would be worth the effort to tape it.

Chairman Dunn apologized to those present who had this problem. He said the Board was doing all it could at this point. He said he was glad Mr. Wilkins spoke up publicly about this and he was sorry the Board did not have a solution in hand, but we will keep fighting it.

Frank Nuckolls:

Mr. Nuckolls, 130 Gaelic Pass, Gaelic Glen Subdivision, stated he wished to echo what Mr. Wilkins had just shared with the Commissioners. He thanked the Board for what they were doing to help with the recent telecommunications problems. He told the Board they had his support and that he would work with them to get this resolved very soon.

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STAFF REPORTS:

CITY OF FAYETTEVILLE SIGNS INMATE AGREEMENT: County Attorney McNally reported that the City of Fayetteville had signed the Inmate Agreement that was offered to them. He asked for the Board's authorization to have the Chairman sign on behalf of the county.

On motion made by Commissioner Pfeifer, seconded by Vice Chair Wells to authorize Chairman Dunn to execute the Inmate Agreement on behalf of the county. The motion carried 4-0. Commissioner Frady was absent. A copy of the Inmate Agreement with the City of Fayetteville, identified as "Attachment No. 7", follows these minutes and becomes an official part hereof.

TOWN OF TYRONE SIGNS THE SEWER BILLING AGREEMENT: County Attorney McNally stated the Town of Tyrone had signed the Sewer Billing Agreement. He remarked that the county bills for the sewer customers of the City of Fayetteville, who are on county water, and, also, for the Peachtree City Water and Sewer Authority. He said Tyrone has executed the same contract requesting that we give them that service. He requested authorization to have Chairman Dunn sign the Sewer Billing Agreement on behalf of the county.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to authorize Chairman Dunn to execute the Sewer Billing Agreement with the Town of Tyrone. The motion carried 4-0. Commissioner Frady was absent. A copy of the Sewer Billing Agreement follows these minutes, is identified as "Attachment No. 8" and becomes an official part hereof.

COUNTY SIGNS THE ADJUSTED ANNEXATION AGREEMENT WITH THE CITY OF FAYETTEVILLE: County Attorney McNally reported that the City of Fayetteville annexed property off of Redwine Road behind Lakeside on Redwine into the P.K. Dixon property. He said if the Board remembers, the county objected to that annexation. He said the City then came back and answered the county's objections by making some adjustments in their annexation requirements. He stated they have sent over an Agreement which reflects

those changes formally, and he asked for authorization on the part of the Board to have the Chairman sign on behalf of the county.

On motion made by Commissioner Pfeifer, seconded by Commissioner VanLandingham to authorize Chairman Dunn to sign the Annexation Agreement with the City of Fayetteville. The motion carried 4-0. Commissioner Frady was absent. A copy of the Annexation Agreement follows these minutes, and is identified as "Attachment No. 9" and becomes an official part hereof.

LANDFILL - GEORGIA WASTE SYSTEMS, INC., CONTRACT APPROVED WITH LIST OF RATES: Attorney McNally informed the Board that the county had sent out an RFP for the transfer station. He said we received a response from Georgia Waste Systems, Inc., and they have sent us a contract which was in compliance with the RFP. He said there was one difference and that was that the company wishes to be able to raise the cap, which the county has imposed, by \$3.50, at such time as the current landfill that they are using, closes. He said this would require them to transport the waste further, and they want to be able to raise the price to the commercial haulers who use them, by \$3.50. He requested the motion to accept this contract also include the list of fees which reflects, basically, what we have there currently. He stated that commercial waste was \$30.00 per ton, yard wastes commercially is \$20.00 a ton, and there was no charge for yard waste for individuals. He added that the main difference here was that we had been weighing pickup trucks that came in and they would like to charge a flat fee. He said those with five (5) bags or less would be charged \$4.00 and those with more than five (5) bags would be charged \$8.00.

Chairman Dunn reminded those present that the commercial haulers' rate would go up but the citizens' cost would not, and that yard waste would be free.

On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the contract based on the RFP and attached list of fees, as discussed by the County Attorney. The motion carried 4-0. Commissioner Frady was absent. A copy of the contract with Georgia Waste Systems, Inc. follows these minutes and is identified as "Attachment No. 10" and becomes an official part hereof.

RENOVATION OF COUNTY OFFICE SPACE: Chairman Dunn stated at the last meeting, the issue of renovating some of the County Commissioner's office space was brought up. He said he objected to it then and felt it was a lot of waste of taxpayer's money. He said since then, he has done a lot of research on it and he feels even more strongly about it today than he did two weeks ago. He commented in the newspaper, he was quoted as saying he was going to bring this issue up tonight for another vote and this was his

intention. He pointed out that Commissioner Frady was here and voted on this issue two weeks ago and he felt it was only fair that everyone who voted on this issue before be here again when he brings the matter up. He said he would wait until we have a full Board before voting on the matter.

EXECUTIVE SESSION:

County Attorney McNally said he had one legal item and three items of real estate acquisition for Executive Session.

On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to adjourn for a 5 minute recess and reconvene into Executive Session to discuss one legal item and three items of real estate acquisition. The motion carried 4-0. Commissioner Frady was absent.

REAL ESTATE:

The County Attorney briefed the Board concerning two matters of real estate acquisition.

On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to authorize Attorney McNally to proceed in these matters. The motion carried 4-0. Commissioner Frady was absent.

REAL ESTATE:

The Board and the County Attorney discussed a matter of real estate acquisition.

On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to authorize the County Attorney to proceed in this matter. The motion carried 3-1 with Commissioner VanLandingham opposing. Commissioner Frady was absent.

LEGAL:

Chairman Dunn briefed members of the Board concerning a legal matter.

No action was taken by the Board.

EXECUTIVE SESSION AFFIDAVIT:

On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to authorize Chairman Dunn to sign the Executive Session Affidavit affirming the discussion of three matters of real estate acquisition and one item of legal. The motion carried 4-0. Commissioner Frady was absent.

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There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:50 p.m.

Linda Rizzotto, Chief Deputy Clerk

Chairman Gregory Dunn

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of **March, 2002.**

Linda Rizzotto, Chief Deputy Clerk