

The Board of Commissioners of Fayette County, Georgia met in Official Session on March 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
Herb Frady
Peter Pfeifer
A.G. VanLandingham

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

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

PETITION NO. 1089-02:

Consideration of Petition No. 1089-02, Frank B. Flanders, Jr., Owner, and David G. Hovey, P.E., Agent, request to rezone 10.19 acres from R-70 to R-45 to develop a single-family residential subdivision consisting of 9 lots. This property is located in Land Lot 80 of the 7th District and fronts on Coastline Road. The Planning Commission recommended approval 4-1. Staff recommended denial.

Chairman Dunn announced that the Petitioner had requested that this item be tabled to the April 25, 2002 Board of Commissioners' meeting.

DISCUSSION OF A GRANT FROM THE ATLANTA HIGHWAY ENFORCEMENT AGAINST AGGRESSIVE TRAFFIC: This item was continued from the March 14, 2002 Commission meeting.

Attorney McNally remarked that this item was for the Board's consideration in order to proceed with a grant from the Atlanta Highway Enforcement Against Aggressive Traffic. He stated that the grant was one in which the funds were reimbursed to the county after the county spends the funds. He said it was a two year situation noting that part of that time had already elapsed so the exact amount of reimbursement would depend upon how soon the county got into the program and what would be available in the second year. He said this grant had some requirements that the county would have to meet. He said the grant provided for monitoring by the State. He said if the county did not comply with the requirements of the grant, it could also result in part of the monies that had been expended not being reimbursed. He said if the county violated other provisions of the grant it could actually result in the total reimbursement as far as the program was concerned.

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Attorney McNally remarked there were requirements and policies that the county must comply with. He felt the county did comply with the majority of the requirements and policies. He commented on the requirements that the county did not comply with. He said the county could pass applicable ordinances which would bring the county into compliance. He said he would be glad to answer any questions that the Board might have.

Commissioner VanLandingham asked Attorney McNally for clarification that the county could pass an ordinance in order to be in compliance with the requirements that it did not comply with.

Attorney McNally agreed and said the county could take the necessary steps to come into compliance with these regulations.

Commissioner VanLandingham remarked that would take public hearings and delay this even more.

Attorney McNally replied yes that could be possible.

Commissioner VanLandingham clarified that it would take ordinances to bring the county into compliance.

Attorney McNally stated that there were several requirements listed that he was not sure if all of the county's current regulations would match the requirements on the part of the State and Federal Government. He said if the county did not, then it would need to pass an ordinance or ordinances that would adopt the policy as county policy.

Commissioner VanLandingham said the reason he was asking was that he had found one place where there was an ordinance and there was not compliance on that ordinance at the current time. He said this would create a problem. He pointed out that the Sheriff's Department would have to come into compliance with the purchasing portion of that ordinance.

Attorney McNally responded yes that the entire operation would have to be reviewed. He said it would have to be determined what the county was doing to determine exactly what other steps might be needed on the county's part to fully qualify for this grant.

Commissioner VanLandingham asked if all grants had requirements in reporting data and everything attached to them.

Attorney McNally replied yes. He said this grant provided for periodic monitoring by the State. He said it was a reimbursement grant and when the county expended the money it must then request reimbursement. He said at the time the county requests that

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reimbursement, the State would review what the county had done and what their monitoring had indicated.

Chairman Dunn said he would describe this as a performance grant that the county would continually have to comply with performance along the way, submit monthly reports and everything else. He said one grant that the county had been involved with was the grant for the new fire house on S.R. 279. He said this grant was from the Federal Government who said take down the old fire house by the dam and as soon as the county did that, it had to comply with the grant. He said that was a different kind of grant. He said the county was required to leave that particular land in permanent green space. He said the grant being discussed tonight was an operational type thing where there would be a reporting requirement every month. He said if something was missed then the county could be held accountable. He said he was not sure if all of the administrative requirements or changing the way the Sheriff's Department would purchase things would be worthwhile for this amount of money for a short period of time. He said he had some problems with this grant.

Commissioner Wells remarked that she also had some concerns with this grant. She said she understood from the presentation by Major Hannah that the Sheriff's Department did need three more cars out on the road. She said the county was in the process of starting budget discussions. She said it was her feeling that if the Sheriff's Department needed three more cars on the road in Fayette County, that was something that the Board needed to address. She said it was her understanding that if the county got these cars from the State, then the State and the Feds would have constraints put upon their utilization and the county would have to defend itself when these cars were used and how. She said she understood from Major Hannah's presentation that the cars were supposed to be used for the aggressive driving monitoring. She said if another situation were to come up the cars could only be used there if they were not being used as their primary purpose. She said there were some constraints as to how these cars and the people were to be used. She said she also felt that the time that was required for the documentation was going to cut into the time that the Sheriff's Department would have these people actually out in the field. She said not only would documentation for the citations have to be done but there would also be documentation to make sure that the county was complying with the grant. She said if the Sheriff's Department needed three more cars in traffic, she would like to see the county fund those cars 100% and then the county control them 100%. She said she did not see why the State or the Feds would need to come in and monitor and the county have to justify to them what the county was doing with those vehicles.

Commissioner Wells further remarked that at the end of three years there were some clarification issues as to whether or not those vehicles were supposed to continue in only that particular arena as specified. She said she did have some concerns with this particular grant. She said it seemed to be one of those where the county was being

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offered something but the limitations were such that there were so many strings attached that it might not be to the county's best benefit. She said it was her feeling that if the Sheriff's Department needed three vehicles on the road, then it should be at the discretion of the Sheriff's Department as to how those vehicles were used and when they were utilized and not at the discretion of somebody else. She said these were her concerns with this particular grant.

Commissioner Pfeifer interjected that it always amazed him that so many of the State and Federal bureaucrats spend their time all day long thinking of requirements and regulations that make people cautious about accepting their own tax dollars back for assistance that was needed. He said he had problems with this grant as well.

Commissioner Wells said she recalled sitting in the audience at a Commission meeting several years ago and the Board was contemplating joining the A.R.C. She said Chairman Rick Price at that time said he wanted to make sure that the county would not have to weaken any of its ordinances in order to comply. She said the Board had been assured at that time that the county's ordinances would remain as written and nothing would have to be done to change them. She said approximately eighteen months later the Board had to actually lower some of the county's standards on its fire codes in order to stay in compliance with them. She said she was very reluctant when there was an entity outside of Fayette County deciding what kind of ordinances would need to be created in order to comply with their giving the county things with strings attached. She said it was to the point where the county must be very suspicious when people offer the county something with definitions attached to it.

Commissioner Frady interjected the Sheriff's Department would get the cars if they were needed.

Chairman Dunn stated the county would be getting into this grant late and by the time it was actualized, the county would only get somewhere between a half and three quarters of what the total grant would have been worth. He said a year and a half from now the county would be paying the full price for whatever cars or people would be hired now anyway. He said the county would have to jump through enormous hoops to get it done. He said he agreed with Commissioner Frady and Commissioner Wells in that the budget cycle was upon the county. He said he was sure if the Sheriff's Department needed the vehicles the Sheriff could justify those vehicles during the budget cycle.

Commissioner VanLandingham said he totally agreed. He said he would rather see the Sheriff and his staff running the Sheriff's Department rather than the State. He said he would rather see these vehicles go through the county's budget and through county personnel than have the State telling the county what to do with those vehicles. He felt it would be a great burden to the Sheriff's Department and to the Finance Department trying

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to make out all of these reports and justify all of the money that would be spent and then the county asked for the money back. He said as much as he hated to turn down the money, he would rather see this go through the budget than go this way. He felt the county would not be saving that much money after the ordinances would be redone. He said there would be another ninety days on that and there would be public hearings that would have to be held. He said he would rather see the county put this effort into preparation of the Sheriff's budget in order to get these vehicles.

On motion made by Commissioner Frady, seconded by Commissioner Wells to deny the Governor's offer for the Atlanta Highway Enforcement Against Aggressive Traffic Grant. The motion carried 5-0.

Chairman Dunn remarked that the Board did appreciate all of the work that Major Hannah had put into this effort. He said he hoped that this would not discourage him from trying to get something that looked like it was free in the future. He said if the Sheriff's Department needed more help out on the road, the Sheriff would get it from this Board.

Commissioner Frady said he would like to congratulate Captain Bryan Woodie who had recently been promoted.

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

HEAVEN BOUND PENTECOSTAL FELLOWSHIP CHURCH - USE OF HERITAGE

PARK: Approval of request from Heaven Bound Pentecostal Fellowship Church to use Heritage Park for their 2002 Outreach Gospel Fest on May 11, 2002 from 5:00 p.m. to 10:00 p.m.

SHELL ENERGY - AWARDED BID FOR NATURAL GAS: Approval of recommendation from Director of Purchasing Tim Jones that Shell Energy be awarded the bid for the County Government's natural gas provider at the price of \$.499 plus the interstate transportation charge for the period of April 1, 2002 through March 31, 2003. A copy of the memorandum, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

ELECTIONS OFFICE - HART INTERCIVIC AWARDED BID FOR PRINTING

ELECTION BALLOTS: Approval of Elections Officer Carolyn Combs' recommendation to award bid for printing of election ballots for the year 2002 to low bidder Hart Intercivic in the amount of \$40,140.40. A copy of the memorandum, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

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FAYETTEVILLE FIRST UNITED METHODIST CHURCH PRESCHOOL - SIGN

REQUEST: Approval of request from the Fayetteville First United Methodist Church Preschool to place a sign on the old courthouse lawn from October 14th through October 26th to advertise a Consignment Sale to be held on Saturday, October 26th from 8:00 a.m. to 1:00 p.m.

FAYETTE COUNTY HUMANE SOCIETY: Approval of request from the Fayette County Humane Society requesting to place a sign on the old courthouse lawn from September 4th through September 15th to advertise the annual "Bark in the Park"; and also approval to use McCurry Park on Saturday, September 28th from 11:00 a.m. to 1:00 p.m. for the "Bark in the Park" event.

MINUTES: Approval of minutes for Board of Commissioners meetings held on February 28, 2002 and March 6, 2002.

PUBLIC COMMENT:

Members of the public are allowed up to three minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

There was no public comment.

STAFF REPORTS:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one legal matter.

Commissioner Frady requested an executive session to discuss one legal matter and one matter of real estate acquisition.

Chairman Dunn requested an executive session to discuss one legal matter and one personnel item.

COMMISSIONER VANLANDINGHAM: Commissioner VanLandingham remarked that he would like to have a general survey for Fayette County residents for input on issues including transportation, recreation and other issues of concern. He asked for the Board's consideration in putting together this survey.

Chairman Dunn interjected that the Board had previously voted at its Retreat that a transportation and recreation survey would be done. He said these would be ready for a decision by the Board very soon and were very comprehensive studies. He said the survey for transportation was voluminous and expensive. He said the recreation survey was county-wide and would include a lot of issues. He said the county was spending a lot

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of money on these two surveys that were coming up and he did not want to be redundant.

Commissioner Wells asked Chairman Dunn if he had seen the structure of the survey for transportation.

Chairman Dunn said he had just received them today and had just briefly reviewed them. He said there was quite a bit of surveying of individual citizens on both of these.

Commissioner Wells asked if the survey addressed public transportation and how it would be administered as far as getting the input from the public.

Chairman Dunn said he had not read the survey in detail but he was aware that there was a lot included. He said there would be telephone surveys and a lot more.

Mr. Cofty commented on the transportation study. He said this was going to involve town hall meetings, public input, surveys and an independent mail out. He said one group had wanted to utilize the Water System billing but there was concern about that because it would not reach all of the homes in Fayette County. He said there were several vehicles in regard to transportation. He commented on the recreation R.F.P. He said they were going to do a telephone survey. He said he felt good about this because on a mail out you generally only get approximately a 1% return. He said this would not be a true spectrum of what citizens wanted. He felt a telephone survey might help the county get a higher return rate on that. He said he had put both surveys in the Commissioners' boxes today and both of these were scheduled for the April 3rd Commission meeting for the Board's consideration and hopefully approval.

Chairman Dunn remarked that both of the surveys would include the cities' citizens as well.

Mr. Cofty agreed and said the county would not be able to move forward with a good recommendation if the cities were not included.

Commissioner Pfeifer said he agreed with the comments made on surveys. He stated that a lot of times these programs relied too much on town hall meetings. He felt getting out and reaching people who did not normally attend meetings was critical to the success of this survey.

Chairman Dunn felt these would be the two biggest areas of concern that the Board would be concerned about but there might be others. He said if there were things that were not covered staff could even put those on the county's web site and get input that way.

Commissioner Frady felt if there was going to be a survey for recreation and transportation, there would be nothing wrong with adding other issues of concern.

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Chairman Dunn said the surveys involved two separate companies and two separate contracts. He said the surveys were very comprehensive. He said the Board did have the old transportation study that had been done in the late 1980's. He said that study was really out of date and a lot of things did not get done over the last decade and a half that should have been done to get the county ready. He said since that study was out of date, the Board felt at the retreat that a completely new survey needed to be done.

Commissioner Frady interjected that the previous survey had been presented to the Board in May of 1990 and was almost twelve years old. He said one road had been done and that was Bernhard Road.

Chairman Dunn pointed out that there were now some subdivisions where the county previously wanted a road to be built.

Commissioner Frady remarked that survey cost approximately \$105,000 and was in limbo the entire time with not much interest to do anything.

EXECUTIVE SESSION: On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to adjourn to executive session to discuss three legal matters, one real estate item and one personnel matter. The motion carried 5-0.

LEGAL: Commissioner Frady discussed a legal matter with the Board and Attorney McNally advised the Board as to the legal principles involved.

It was the consensus of the board that Attorney McNally obtain further information on this matter.

REAL ESTATE: Commissioner Frady discussed a matter of real estate acquisition with the Board.

It was the consensus of the Board that Attorney McNally obtain further information on this matter.

LEGAL: Chairman Dunn discussed a legal matter with the Board and Attorney McNally advised the Board as to the legal principles involved.

No action was taken by the Board.

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

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

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PERSONNEL: Chairman Dunn discussed a personnel matter with the Board.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that three legal matters, one real estate item and one personnel matter were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 8:45 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11th day of April, 2002.

Karen Morley, Chief Deputy Clerk