

The Board of Commissioners of Fayette County, Georgia met in Official Session on May 1, 2002, 2002, at 3:30 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
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.

PROCLAMATION FOR “OLDER AMERICANS MONTH”:

Chairman Dunn read and the Board presented a Proclamation recognizing the month of May, 2002 as “Older Americans Month” to Andy Carden and Joan Neal.

DISCUSSION BY THE DIRECTOR OF PUBLIC WORKS LEE HEARN REGARDING MASSENGALE ROAD FROM JONES ROAD TO RISING STAR PLUS PAVING OF JONES ROAD FROM S.R. 85 TO MASSENGALE ROAD:

Public Works Director Lee Hearn remarked that back in September, 2001 the Public Works Department had sent out a survey in 1998 on the number of residents who were willing to donate right-of-way on this road. He said the survey had come back about a 50/50 split. He said since that time, Mr. Craig Smith who lives on Jones Road, had talked to his neighbors and gotten them to agree to donate right-of-way. He said Mr. Smith had everybody in this section of road willing to donate right-of-way other than two residents. He remarked that Mr. Smith had asked that he bring this item before the Board of Commissioners for discussion and consideration. He said he would be glad to answer any questions that the Board might have.

Commissioner Pfeifer asked Mr. Hearn if he knew where the county stood on the issue of the supportive citizens.

Mr. Hearn replied that he had not confirmed this with all of the residents, but Mr. Smith had spoken with all of his neighbors and he believed that some of them were present here today. He said the residents that he had spoken with had changed their minds. He said Mr. Zellner and the Richardsons were the two residents who were not in support of the road. He said he had spoken to Mr. Zellner a couple of times including today to let him know that this issue was going to be on the Commission’s agenda today. He said he had told Mr. Zellner what the

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discussion was going to be about and that sort of thing. He said Mr. Zellner was not really hostile about the road being paved but he would really prefer that the road be left as it was. He said Mr. Zellner had moved to a dirt road with a rural setting and he wanted it to remain that way. He said in regard to the county condemning his property in order to make improvements, he said Mr. Zellner would not want to go that route. He said Mr. Zellner would just ask to be paid for a fair assessment of his property.

Commissioner Pfeifer clarified that the right-of-way information was current and Mr. Hearn replied yes it was.

Commissioner Pfeifer asked Mr. Hearn if anyone had spoken with the residents on the other end of Jones Road between Massengale Road and Porter Road.

Mr. Hearn replied that Mr. Smith had spoken with those residents. He said the resident in the corner actually owned some property on both roads. He said they were willing to donate all of the right-of-way on Jones Road so the county would not have to purchase right-of-way on Jones Road.

Commissioner Pfeifer clarified that he was asking about the residents between Massengale Road and Porter Road.

Mr. Hearn replied no that he had not spoken to those residents. He said he had spoken to some of them in 1998 and there were several who were in favor and several who were not in favor. He said he did not recall the exact number.

Commissioner Pfeifer said he had noticed that there was a house for sale on Massengale Road. He asked Mr. Hearn if he knew how the new property owner felt about this.

Mr. Hearn replied no that he did not know.

Commissioner Wells questioned the portion of Jones Road where Mr. Hearn had highlighted it in yellow. She asked if the road continued from there and was a dirt road.

Mr. Hearn replied yes. He said this continued all the way to Porter Road.

Chairman Dunn interjected that the roads leading off this road were also dirt roads.

Mr. Hearn responded that a section of Grooms Road was also dirt.

Chairman Dunn remarked that only this one piece was being proposed for paving and not all of the other dirt roads in that area.

Mr. Hearn replied yes that was correct.

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Chairman Dunn asked Mr. Hearn how this came about.

Mr. Hearn replied that in 1998 one of the things that he had been charged with was trying to find some dirt roads that the county could improve. He said one of the things that he wanted to do was to work on the roads where the county was welcome. He said the crews took on several of the roads where the questionnaires had been sent to see where the county could get right-of-way donated. He said he had very little success in finding roads where residents were willing to donate right-of-way. He said this was the reason the initial survey occurred in 1998.

Chairman Dunn said he was aware that some of the residents did not want the road paved. He asked Mr. Hearn what he recommended.

Mr. Hearn said he preferred having paved roads. He said they were much easier for the county to maintain. He said it would be a much safer road in terms of the school bus traffic. He said with all of the new residents in the county who were using the road it would be much safer if it was paved. He stated that he had received a lot of complaints from the school bus driver and some of the residents living on Grooms Road about the dust, the curves and some of the intersections not being as wide and safe as they should be. He said it would be his pleasure to improve the roads.

Commissioner Frady asked if the Public Works Department would do all of this work including engineering and everything else.

Mr. Hearn said he would recommend that the county get the survey and engineering work approved as well as the plats by an engineering firm such as Mallett & Associates. He said he would not need a full set of drawings. He said he would only need a horizontal alignment with right-of-way. He said they could make it work with the vertical alignment.

Commissioner Frady asked Mr. Hearn if he would be doing the clearing and grubbing and Mr. Hearn replied yes.

Commissioner Frady remarked that part of this would involve new money. He questioned what the outlay of cash was to handle this project.

Mr. Hearn replied that if he started from the top there would be approximately \$30,000 in right-of-way that the county would have to spend money on. He said the clearing and grubbing would be done by the Road Department crews. He said his crews would also handle the grading. He remarked that the county would have to spend money on the asphalt materials as well as the stone materials. He said the asphalt and GAB placement would be money that the county would not have to expend other than labor and equipment. He said he would contract out the striping and erosion control. He remarked that the grassing would be done in house and probably half of that would be materials. He said piping would also probably be

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a half with the other half being installation. He said the county would also have to spend money on engineering and legal items. He said the county could expect to get approximately \$50,000 from Georgia D.O.T. for reimbursement on the materials.

Commissioner VanLandingham asked if that would pertain to both projects and Mr. Hearn replied yes, it would be total.

Commissioner Wells remarked that she had a problem with this. She felt the county was premature. She said a county survey had gone out in 1998 and at that time the results were 10 yes and 9 no and 5 property owners did not respond. She said that was a total of 24 people. She said it was assumed that no one else had moved into that area. She said Mr. Smith said he had spoken with his neighbors and only 2 were not willing to donate right-of-way. She asked if Mr. Smith had spoken to all of the 9 who were opposed or the 14 total.

Mr. Hearn responded that he knew Mr. Smith had not spoken with Mr. Zellner. He said Mr. Zellner had told him that he had not been approached by Mr. Smith. He stated Mr. Zellner felt the reason he had not been approached was because he was not in support of this.

Commissioner Wells said her question was who did Mr. Smith talk to. She asked if Mr. Smith had spoken with the 9 who had voted no, the 5 who did not respond, or the total of them. She felt this was very premature at this point in time for the Board to try and consider this. She said she had a problem with paving a portion of a road especially if the Board had the preponderance of the people there who did not want this done. She said the Board had no idea. She said she had not heard anybody say that there were a lot of accidents there or if there was a safety problem there. She said she had not had any of the citizens call to complaint about the grading, potholes and things of that nature. She said she was not sure at this point in time what the general consensus of the neighbors was out there. She said she would feel more comfortable in knowing that.

Commissioner Frady said he did not know how the residents could like the current situation there. He said the last time he went up old highway 85 it was bad.

Mr. Hearn remarked that when someone immediately comes off highway 85 the roadway tended to washboard really bad in that section.

Commissioner Frady remarked that he was in favor of paving roads. He felt the reasonable thing to do was to pave the road. He said the residents living on the road needed to get together so that the Board could make some kind of determination. He said if there were only two residents who did not want the road paved, then that was quite a majority. He said the two who were fighting the paving were really not fighting it. He said they just did not want to give their land and Mr. Hearn agreed and said that was correct.

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Mr. Hearn said he would go back and make sure that all of the residents felt the way Mr. Smith said they do.

Chairman Dunn said this involved \$325,000 and there was the possibility that the county could get \$50,000 from Secretary Coleman. He asked Mr. Hearn for the time frame for this project. He pointed out that next year the county had a huge road commitment involving all of the Fayette County Road Department crews.

Mr. Hearn responded that he would need to see where this would fall out. He said the work on Quarters Road might impact the schedule on this project in terms of which project the county did first. He said right now he would say the earliest his crews could get started on this would be in the Fall although it might be sooner.

Chairman Dunn said the county had committed next year to pave twice as much road as it had done in past years.

Mr. Hearn said the grading crew at the Road Department was separate from the paving crew. He said a lot of the personnel had been cross trained. He said he only had a small group of guys who were really talented at running the heavy pieces of pans, the D-8's and the motor graders. He said that was a six man crew that would come in and work on this. He stated at times it would be more than that and at times it would be less. He said this was not like the paving operation where he had twenty-three to twenty-five people involved in the paving operation.

Chairman Dunn remarked they would have to come in eventually and pave too.

Mr. Hearn stated that the paving part of this project would be a very short project. He said it would probably take his crew less than one week to pave this.

Chairman Dunn asked Mr. Hearn how many miles were scheduled to be paved next year.

Mr. Hearn replied 35 miles were scheduled.

Chairman Dunn said this project would have to be added to those scheduled roads as well as the possibility of Quarters Road being paved.

Commissioner Frady asked if this was new paving or resurfacing.

Mr. Hearn replied it was resurfacing. He said the same crew would do that work.

Chairman Dunn said he did not want any projects that the Board had already committed to for paving to be taken off the list.

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Commissioner Frady said this would give the county a good CIP program. He said it was a five year program anyway.

Chairman Dunn said with all of the dirt roads in the county that could be something that the Board could eventually try to do. He said the Board could program for several years out for those kinds of things.

Commissioner VanLandingham said he had noticed that three items had not been included in the cost. He said he did not know if they were going to play into it or not. He said they were wetland mitigation, rock excavation and utility relocation that were not included.

Mr. Hearn said he did not expect a lot of rock excavation at this location nor any wetlands that the county might cross. He said when a dirt road was improved, the hills were basically taken down and the valleys filled in. He stated if there were some rather steep hills there might be some rock. He said this was the reason the county was facing the problems that it was on McDonough Road at County Line Road. He said the people who built the road ran into rock and they just backed off and paved it right there. He said this worked fine until the traffic volumes got high. He said he could not plug numbers in where he did not really know what would happen. He said the terrain out there was not steep and he did not expect a lot of rock that his crew could not handle.

Commissioner Wells asked if there were water lines out there and Mr. Hearn replied no.

Commissioner VanLandingham asked if this would just be utility poles.

Mr. Hearn replied that was correct. He said the REA and telephone personnel were usually very good when they were on the county's road right-of-way to help and work with the county and not charge for this. He said his crew usually prepared a horizontal alignment in the layout of the new road. He said he provides this to the new REA and the telephone company and they make adjustments accordingly. He said the REA did not charge the county for relocating their lines on Old Senoia Road when the county improved that road. He said they worked with the county very well.

Commissioner Frady said he wanted to read an article that had appeared in the Atlanta Journal and Constitution today regarding Atlanta's air still being among the dirtiest. He said the article stated that in metro Atlanta the ground level ozone exceeded Federal Clean Air standards. He said the U.S. Environmental Protection Agency had designated the thirteen county metro region as a non-complying area since 1990 and was subjected to a more rigorous oversight for road building funds. He said it was expected to take years for the region to pass Fayette's Clean Air Test.

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Chairman Dunn interjected that the Atlanta Regional Commission was currently being sued by the Department of Transportation.

Chairman Dunn suggested Mr. Hearn go out and make contact with every property owner. Commissioner Pfeifer suggested the residents on the rest of Jones Road be included. He said if there was a potential that the county would be out there paving he felt the residents on Grooms Road should be spoken with as well.

Chairman Dunn interjected that Matthews Road was also a dirt road. He said that entire community was tied together with dirt roads.

Mr. Hearn commented on the residents located on the other side of Rising Star on Massengale. He said those residents did not want the road paved. He said he had spoken with a lot of those people and they wanted to make sure that their road was not being considered for improvement.

Chairman Dunn said the issue on Jones Road was that the people on Massengale go thee and turn South. He said the people living North of there were not involved in wanting anything paved.

Mr. Hearn said it was not a problem for him to speak with all of the residents on Jones Road out to Porter Road.

Commissioner Frady asked if the county should go a little further down the road and start making a survey of roads as well as the roads that would need paving.

Mr. Hearn said he could not tell the Board about one dirt road out in the county where there was overwhelming support to pave. He said it would take a lot of money for the county to buy right-of-way. He said he would rather spend the money on asphalt.

Chairman Dunn said the Board was favorable to do what the residents want there if Mr. Hearn could get the feeling of the residents. He said even if the Board wanted to pave this road, the residents would have to know that the project would have to be integrated into the county's already existing road list.

It was the consensus of the Board that Mr. Hearn would provide the Board with more information before a decision was made on this matter.

FAYETTE COUNTY'S SECURITY AND PREPAREDNESS POLICY APPROVED:

Director of Fire and Emergency Services Chief Jack Krakeel stated that within the last several months the Office of Homeland Security had developed a National Threat Alert Warning System for our Nation with respect to the whole issue of terrorism. He said the warning

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system was designed to provide guidance to the Nation as to the severity of a specific threat. He said unfortunately that was all it did. He said there was no identified or recommended response associated with each of the colors that were identified in terms of zero potential to the color of red which was supposed to be the most severest form of threat with respect to terrorism.

Chief Krakeel remarked that shortly after the Federal Government adopted this color schematic and threat warning system, the State of Georgia adopted the same system. He said his department felt there needed to be more specifics to the issue of color coding so that for a local government entity that not only its citizens but government itself would have a plan of action that it would institute at such a time when a credible threat was instituted that might affect the local community. He said the process to date was to meet with State officials who have that responsibility with respect to law enforcement entities of notification to the community should a threat be received that applied to this community specifically or applied to the region. He said he had designed in concert with the State agency and the individuals within Fayette County government who have the appropriate security clearances to receive that information. He said those agencies would become the focal point of the dissemination of information not only to local government officials but to affected departments. He said in addition, a number of measures had been established aligning with each of the colors. He said it was felt that this was appropriate if there was a specific threat that had the potential for the community. He said the reason he was bringing this to the Board was because there were some serious public policy implications associated with this. He said some of the recommendations include limiting access to public facilities and governmental facilities. He said some of the limitations include closing certain facilities. He said he felt it appropriate that the governing body of this county institute this policy if it so desired as part of the county's overall emergency operation plan to deal with situations of this nature. He said he would be glad to answer any questions.

Commissioner Pfeifer said it was certainly unfortunate that this had to be done but he agreed that it was very necessary. He said the plans that Chief Krakeel had drawn up obviously did not include specific actions by each department. He said according to what he had seen, the detailed planning that the department might want to do could be subject to the freedom of information act and a terrorist could come in and see what the county's plans were. He said he understood that a Bill had failed in the Legislature this year that would have protected that type of planning from being disclosed.

Chief Krakeel remarked that there was Federal Legislation that deals specifically with chemical facilities and the release of information as it may affect chemical facilities primarily tier one, two and three reporting requirements which detail specific information about chemical facilities. He said this did not apply to governmental facilities. He said the scope of operations would be such that it would not be something that would necessarily be precluded from the public. He said his department had not currently taken the position to

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develop individuals departmental plans. He said before this process was started he wanted to bring this to the Board to see if it concurred with the general approach to this issue. He said the Marshal's Office had been tasked to begin the process of assisting department heads as well as the Department of Fire and Emergency Management as well as the Sheriff's Department in developing their own internal response plan that would be aligned with the overall governmental response plan. He said this would set the frame work for that entire scope of work.

Commissioner VanLandingham asked if this would affect the entire county's emergency plan.

Chief Krakeel replied that this was for Fayette County Government. He said it was his hope to take this on to the Municipal level next and have the Municipal agencies review this and see if it was appropriate for implementation at the Municipal level as well. He said it would certainly be a part of the county's emergency operations plan that the county government in the emergency management agency would operate off of. He said he did not have the latitude in these particular situations to make those decisions for Municipal entities. He said he did believe that this was of the nature that was appropriate for review by the Municipalities and to provide input and hopefully have them adopt something similar for them to adopt for their locations if they had not done so already. He said he would be going to the various Municipalities with this document as well.

Commissioner VanLandingham asked if this would assist the county in any way in responding to a neighboring county or municipality to help them in the event they have an attack.

Chief Krakeel said the county did have and had signed as a requirement for Federal reimbursement a mutual aid agreement through the Georgia Emergency Management Agency that would allow Fayette County to recover costs associated with a mutual aid response. He said it was a fairly broad agreement that provided for mutual aid between this government and adjacent communities and other communities in the State as well.

Chairman Dunn said the county could also be directed by GEMA to take certain steps.

Chief Krakeel remarked that the Governor was empowered to declare a state of emergency State wide or in any portion of the State there were certain provisions that would require participation of local government in certain applications. He said under the county would fall under the State wide emergency disaster plan in the same manner that the Municipalities are a part of the Fayette County Emergency Operations Plan.

Chairman Dunn remarked that the cities, the hospitals, and the Board of Education had been very willing to work with the county. He said it would not make any sense not to take the steps that Chief Krakeel was suggesting. He commended Chief Krakeel and his Department. He said he and his staff were always ahead of the power curve in Georgia. He said he and

Commissioner VanLandingham had taken part this past year in a bioterrorism training with all of the cities. He said this was not open to the public but it was extraordinary. He said every agency that one could think of was there including the State and local agencies including doctors, nursing organizations and hospitals. He said Chief Krakeel and his department had a great handle on this. He said this was the third or fourth one he had been involved in.

Chief Krakeel invited the Board during the next two days to attend the exercise that was going to be held in Suite 212 as well as in the emergency operations center. He said he had received a grant from the State to conduct this exercise that would be set up and several scenarios would be worked through during the next two days. He said a lot of agencies throughout the county would be participating in this exercise. He said the focus of this exercise was to begin to solidify the whole concept of incident command and unified command when disasters had to be dealt with.

Chairman Dunn interjected that he had spoken with the GEMA Director last week and he was very pleased with the way that Fayette County does everything. He said the Director wished that all of the other jurisdictions around the Country could do what Chief Krakeel and his people do. He said he could not tell Chief Krakeel enough how highly he felt about him and his department. He said the Department of Fire and Emergency Services did a great job.

It was the consensus of the Board to approve Fayette County's Security and Preparedness Policy.

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

SHERIFF'S DEPARTMENT - TRANSFER OF FUNDS: Approval of request from the Sheriff's Department to transfer \$293.60 from the general fund to budget category 130-5433 vehicle repair services.

DIVE TEAM OPERATIONS - TRANSFER TO SHERIFF'S DEPARTMENT: Approval of request from the Director of Fire and Emergency Services Jack Krakeel to transfer responsibility of the dive team operations to the Sheriff's Department.
A copy of the memorandum, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

FAYETTE COUNTY SPECIAL OLYMPICS COMMITTEE - LAW ENFORCEMENT TORCH RUN: Approval of request from the Fayette County Special Olympics

Committee to use Heritage Park for a brief ceremony for the Law Enforcement Torch Run on Wednesday, May 29, 2002 from 12:00 noon until 3:00 p.m.

STREET LIGHT DISTRICT APPROVED - THE LINKS SUBDIVISION (PHASE THREE):

Approval of request from the Engineering Department to accept The Links Subdivision (Phase Three) as a new street light district in Fayette County.

FIRE AND EMERGENCY SERVICES - CHANGE ORDER FOR NOMEX UNIFORMS:

Approval of request from the Director of Purchasing Tim Jones to approve a change order for additional Nomex Uniforms for the Fire and Emergency Services Department in the amount of \$21,084. A copy of the memorandum, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

BID AWARD - HITCH VINYL EXTERIORS - FIRE STATION #3:

Approval of request from the Director of Fire and Emergency Services to award bid to Hitch Vinyl Exteriors in the amount of \$6,675 for vinyl siding work at Fire Station #3. A copy of the memorandum, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

MARIE MASHBURN APPOINTED TO THE LIBRARY BOARD:

Approval of appointment of Marie Mashburn to Library Board to fill unexpired term of Howard Morgan thru December 31, 2002, and for new term beginning January 1, 2003 and ending December 31, 2006. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

WATER SYSTEM - GIRL SCOUT TROOP APPROVED FOR TRASH PICK UP AT LAKE HORTON:

Approval of request from the Director of the Water System Tony Parrott to allow a Girl Scout Troop to pick up trash at the park at Lake Horton on a Saturday in October.

PURCHASING DEPARTMENT - CHANGE ORDER FOR ADDITIONAL LANDFILL FENCING:

Approval of request from the Director of Purchasing Tim Jones for a change order request for \$34,143 for additional landfill fencing (DJ's is currently doing the work requested on Bid #346 at the landfill). A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on April 3, 2002.

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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.

COMMISSIONER VANLANDINGHAM: Commissioner VanLandingham said he understood that the old library building was scheduled to be removed. He said he would like to make a motion that the Board reconsider that request and re-examine the removal of that building. He said there had been three people who had asked for additional space who had mentioned that building. He said a preliminary study indicated that it would cost approximately \$500,000 to replace that size building. He felt it was wrong to tear it down when there were people who wanted to use it. He said he understood there was supposed to be a berm put there but he could not see where a berm would look better than a building. He said he would like to make a motion that this be done.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to allow the Board time to investigate the tearing down of the old library and research the usage and occupancy of the building, discussion followed.

Commissioner Frady said he agreed. He said this was a useful building and it had a lot of life left in it. He said he would support the motion.

Commissioner Wells asked Commissioner VanLandingham who had done the preliminary study.

Commissioner VanLandingham replied Chris Cofty and Jim George but he was not sure. He said the figure that had come back was higher. He said he would like to see exactly what it would be before this building was torn down.

Commissioner Wells asked Commissioner VanLandingham if this cost included the cost of the land.

Commissioner VanLandingham said he had heard nothing about land just for the building.

Commissioner Wells asked if it would be for the same size or the duplication of the structure.

Commissioner VanLandingham replied for the same size building.

Commissioner Wells said the building could be several different things. She said the current building was a fairly inexpensive building. She said she was trying to clear up in her mind what the numbers represented.

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Commissioner VanLandingham said that was what he also wanted to know before the building was torn down. He said he would like to stop the process before this was done. Commissioner Frady said the Historical Society was asking for the building.

Commissioner VanLandingham said the Department of Fire and Emergency Services had also asked about the building and so have the Good Samaritans.

Commissioner Wells felt the Department of Fire and Emergency Services had been asking about the location of the property and not necessarily the building.

Chief Krakeel interjected that his department had established a need for an emergency operations center at that location. He said the building in and of itself would not fill the needs of his department.

Chairman Dunn remarked that the building was prefab metal. He said it was put up very inexpensively. He was not sure who initially paid for the building but it was not the county. Attorney McNally interjected that the county had paid for the building.

Commissioner Wells said there had been a lot of structural problems with the building. She said the roof leaks, the heating and air system had a problem and there were other problems.

Commissioner Wells said she had a problem with going back and looking at this. She said the Board had promised the citizens at the time the jail hearings were held with a unanimous vote. She said she might be incorrect on that but the Board had said that it would take that building down and build a berm and make sure that when people drove past that road that this structure would not be seen. She said this was part of what had been presented to the citizens and that was what the Board had promised them would be done. She said the building could easily be replicated and built some place else. She felt the Board could not look the citizens in the eyes and say it had changed its mind and the Board's 5-0 vote did not mean anything. She said the Board had promised the citizens this would be done and she could not go back and do something else now.

Commissioner Frady said he was not going to change his mind. He asked Commissioner Wells to show him where this was done, he would be happy to remain mute on the subject. He said when he has things of this nature to discuss he always brings the minutes. He said there would have to be minutes on this issue.

Chairman Dunn said there would be no minutes for the Board saying that the building would be taken down.

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Commissioner Frady remarked that staff had been keeping verbatim minutes for a long time. He asked Ms. Morley to get these minutes for him.

Chairman Dunn said when the Board had meetings here and subsequent meetings by the project manager and the architect, this Board had been briefed in detail several times in this very room. He said this issue had been in the plan every single time. He said the night the room was filled with citizens, one of the major concerns was that they thought it would be a plight to go by there and see the back of this jail. He said the Board had agreed to block that view with a berm and a vegetative buffer on top of the berm. He said this would look nice and would be part of the landscape plan which was also approved. He said at the current time there was a mountain of dirt there. He said there was 22 million pounds of dirt that would now have to be transported off the site at a tremendous cost. He said the bulldozers would now be moving the dirt to the berm rather than transporting it truckload by truckload off the site. He said there would be a huge cost to move 22 million pounds of dirt. He said it would also violate the public's trust when the Board voted to approve the project as it was briefed. He said the building was prefab metal and could be taken down relatively easily and probably reconstructed somewhere else. He said he did not know if this would be cost effective because it was such an inexpensive building. He said he could not support changing what the Board had told the public all along for the last two years. He said there were only three of the current Commissioners on the Board when this happened.

Commissioner Frady said he did recall the fact that a berm would be put over there. He said he did not recall the exact verbiage.

Chairman Dunn said the berm could not go in if the building was sitting there.

Commissioner Wells said that was what the Board had told the citizens it would do.

Commissioner Frady said he would like to withdraw his second to the motion because he did remember the berm. He said he would still like to get all of the information that he could on that issue.

Chairman Dunn felt Mallett & Associates still had the briefings that included the power point presentation. He said Commissioner Frady could review that as well.

Commissioner VanLandingham said he had no problem with it being declared that it was going to be torn down because he was told that by several people. He said his question was the monetary value of the building.

STAFF REPORTS:

FEDERAL EQUITABLE SHARING AGREEMENT: Attorney McNally remarked that over the years the county had participated in the Federal program where there was an equitable

sharing of funds which were confiscated due to drug activities. He said it was time for the Board to execute a new contract with the various Federal agencies including the I.R.S., the Treasury Office, the Sheriff's Department and the Fayette County Board of Commissioners. He asked for the Board's consideration in authorizing the Chairman to execute the Federal Equitable Sharing Agreement whereby the county would continue to participate in the Federal equitable sharing of confiscated funds. He said the Sheriff's Department had already executed this Agreement and forwarded it to the Board of Commissioners.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize the Chairman to execute the Federal Equitable Sharing Agreement. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

RIGHT-OF-WAY AGREEMENTS: Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute PR-144(113) Fayette County Goza Road Bridge over Woolsey Creek 80' right-of-way Agreement; and PR-202(113) Fayette County Kenwood Road over Morning Creek and Inman Road over Nash Creek existing right-of-way Agreement. He said the title had been researched on these and they were in order for the county to proceed.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to authorize the Chairman to execute Agreement PR-144(113) and Agreement PR-202(113) as presented, discussion followed.

Commissioner Wells asked who initiated that work.

Attorney McNally replied that these bridges were inspected and a list was made up relative to which ones had priority. He said these were the ones that the Engineering Department, Road Department and the State D.O.T. decided needed to be done in that priority order.

Commissioner Frady asked if this was the same inspection that was done approximately two or three years ago.

Attorney McNally responded yes.

Chairman Dunn said these projects had just been approved in the Transportation Improvement Plan. He said Secretary Coleman had decided to do these both in the same year.

The motion carried 5-0. A copy of Agreement No. PR-144(113), identified as "Attachment No. 7", follows these minutes and is made an official part hereof. A copy of Agreement No. PR-202(113), identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

DETAIL CONTRACT RENEWAL: Attorney McNally said it was time to renew the Detail Contract Agreement where the county uses the detention detail for road clean up. He asked for the Board's consideration in authorizing the Chairman to execute the Detail Contract between the Georgia Department of Corrections and the Fayette County Board of Commissioners to allow for road clean up by the detention crew. He said the county supplies the transportation and chooses the jobs. He said the county pays for its share of the supervisor who in turn brings the crew out to work along the county's right-of-ways.

Commissioner Frady asked if these were State prisoners.

Attorney McNally replied yes.

Chairman Dunn interjected that the county had a contract with the State and also Coweta County. He said the prisoners come from the State jail located in Coweta County.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize the Chairman to execute the Detail Contract between the Georgia Department of Corrections and the Fayette County Board of Commissioners. The motion carried 5-0. A copy of the Contract, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

CONTRACT FOR MCELROY ROAD ALIGNMENT: Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute the D.O.T. contract for the McElroy Road alignment.

On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize the Chairman to execute the D.O.T. Contract for the McElroy Road alignment. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one real estate acquisition matter and one legal item.

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

REAL ESTATE: Attorney McNally briefed the Board on a matter of real estate.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to authorize Attorney McNally to proceed in this matter. The motion carried 4-1 with Chairman Dunn opposing the motion.

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

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Frady, seconded by Commissioner Wells to authorize the Chairman to execute the Executive Session Affidavit affirming that one real estate item and one legal item were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 11", 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 5:30 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 23rd day of May, 2002.

Karen Morley, Chief Deputy Clerk