

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, November 5, 2003, 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  
Carol Chandler, Executive Assistant  
Peggy Butler, Executive Assistant

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Chairman Dunn called the meeting to order, led the invocation and pledge to the flag.

**PRESENTATION:**

Chairman Dunn introduced Kay Love, President of the Georgia Government Finance Officer's Association, to make the presentations. Ms. Love said it was a pleasure to be at the Board of Commissioner's Meeting to make the presentation for the Certificate of Achievement for Excellence in Financial Reporting presented by the Government Finance Officer's Association and as President of the Georgia Finance Officers Association she was pleased to present these awards. She said the program was established in 1945 as a way to recognize and encourage excellence in financial reporting by state and local governments. She said she was here to present an award to Fayette County and to the Water System. She said it was the tenth consecutive year that the county had received this award and the fifteenth consecutive year the Water System had received this award. She said for a government unit to qualify to receive this award they must publish an easy readable and efficiently organized comprehensive annual financial report. She said it must also satisfy all the generally accepted accounting principals and appropriate legal requirements.

She said it was a pleasure to present to Mark Pullium, Finance Director of Fayette County, the Certificate of Achievement for Excellence in Financial Reporting for the year ending June 30, 2002. She said she was also pleased to present Pam Gravitt, Financial Officer for the Fayette Water System, the Certificate of Achievement for Excellence in Financial Reporting for the year ending June 30, 2002.

Chairman Dunn said that these people who received these awards were also responsible for making it possible for the County to come up with a budget where the millage rates could be rolled back in the midst of many jurisdictions who had to raise their taxes. He

said because of the tremendous accountability of every penny over the years, the county was able to be in that kind of financial condition.

**NEW BUSINESS:**

**DISCUSSION OF REQUEST TO PAVE THE DEAD-END PORTION OF SNEAD ROAD**

**OFF BERNARD ROAD:** Lee Hearn, Director of Public Works, stated that sometime ago Public Works received a request from citizens on Snead Road, located off of Bernard Road, for consideration of paving that portion of Snead Road. He said that portion was approximately one-half mile long. He said he had provided to the County Administrator the costs associated with paving the portion requested. Mr. Hearn said he felt confident DOT funding would be available to help offset material costs. He said he had received a petition from the residents on Snead Road supporting the paving project. Mr. Hearn said he could answer any questions the Board had.

Commissioner Wells said she had a letter from Julie Stubbs stating they would donate and convey the necessary right of way for the improving and payment, but on the list of expenses it said nothing had been donated. Mr. Hearn clarified that by saying the cost of the right of way would be zero because it was all donated.

Commissioner Frady asked if this project was on the priority list. Mr. Hearn said it was not. Commissioner Frady asked if it would be next spring before work was started on Snead Road. Mr. Hearn replied that there were three projects needed to be completed with the grading crew prior to beginning work on this project. He said these were the dirt part of Lisbon Road, TDK and Stallings Road.

Commissioner Frady said he did not have a problem supporting this project as long as it came under the proper time frame and not in front of anything else that was currently happening.

Commissioner VanLandingham made a motion to add the paving of the dead-end portion of Snead Road off Bernard Road to the priority list. Seconded by Commissioner Frady. Motion carried 5-0.

**CONSENT AGENDA:** Motion was made by Commissioner Wells to approve the Consent Agenda as presented. Seconded by Commissioner Pfeifer. Motion carried 5-0.

**FAYETTE COUNTY HUMANE SOCIETY-SIGN REQUEST:** Approval of request from the Fayette County Humane Society to place sign on the Old Courthouse lawn for their annual "Bark in the Park" fundraiser on April 18 - 24, 2004. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**APPOINTMENT OF ADA HEWELL MASBURN TO THE FAYETTE COUNTY LIBRARY BOARD:** Approval of appointment of Ada Hewell Mashburn to the

Fayette County Library Board for the term of 1/01/04 through 12/31/07. She represents the County at-large.

**REAPPOINTMENT OF JEAN WHITE TO THE FAYETTE COUNTY LIBRARY**

**BOARD:** Approval of reappointment of Jean White to the Fayette County Library Board for the term of 01/01/01 through 12/31/04. She represents Fayetteville.

**REAPPOINTMENT OF LISA RICHARDSON TO THE FAYETTE COUNTY**

**LIBRARY BOARD:** Approval of reappointment of Lisa Richardson to the Fayette County Library Board for the term of 01/01/03 through 12/31/06. She represents the Town of Tyrone.

**REAPPOINTMENT OF JACQUELIN CARSON TO THE FAYETTE COUNTY**

**LIBRARY BOARD:** Approval of reappointment of Jacqueline Carson to the Fayette County Library Board for the term of 01/01/03 through 12/31/06. She represents the Town of Brooks.

**REAPPOINTMENT OF BILL BECKWITH TO THE ZONING BOARD OF**

**APPEALS:** Approval of reappointment of Bill Beckwith to the Zoning Board of Appeals for a 3 year term beginning 1/1/04 and ending 12/31/06.

**ADAMS PARK TO BECOME A STREET LIGHT DISTRICT:** Approval of request for the Adams Park Subdivision to become an approved street light district.

**LAKE HORTON LANDING TO BECOME A STREET LIGHT DISTRICT:**

Approval of request for the Lake Horton Landing Subdivision to become an approved street light district.

**REAPPOINTMENT OF AL GILBERT TO THE FAYETTE COUNTY PLANNING**

**COMMISSION:** Approval of reappointment of Al Gilbert to the Fayette County Planning Commission for another 3 year term beginning 1/1/04 and ending 12/31 /06.

**REAPPOINTMENT OF JIM GRAW TO THE FAYETTE COUNTY PLANNING**

**COMMISSION:** Approval of reappointment of Jim Graw to the Fayette County Planning Commission for another 3 year term beginning 1/1/04 and ending 12/31 /06.

**LIBRARY FY04 BUDGET ADJUSTMENT OF \$880.00:**

Approval of the Library FY04 Budget Adjustment in the amount of \$880.00 due to the increase in revenues by donation received from Arts Clayton to finance the Krafty Kids Program. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**REPLACEMENT OF VEHICLE IN SHERIFF'S DEPARTMENT:** Approval of request from Mark Pullium, Director of Finance, to replace a vehicle that was totaled in the Sheriff's Department. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**CONSTRUCTION OF PAVILIONS AT LAKE HORTON:** Ratification of approval of bid award to construct 2 pavilions at Lake Horton to Leisure Lines in the amount of \$66,504.00. A copy of the bid award, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**CONSTRUCTION OF RESTROOMS AT LAKE HORTON:** Ratification of approval of bid award to construct 2 restrooms at Lake Horton to Future Communications in the amount of \$76,980.00. A copy of the bid award, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**ESTABLISHMENT OF SPEED LIMIT AT LAKE HORTON:** Approval to establish a speed limit of 20 mph at the Lake Horton access area off Antioch Road, beginning at the gate, including boat ramps and cul-de-sac; and to install speed bumps on same.

**RESERVATION OF HERITAGE PARK:** Request for approval to reserve Heritage Park, Sunday, December 21<sup>st</sup>, for "Festive in Fayetteville", a concert evening of Christmas songs performed by several local church choirs. Organized by Christopher D. Borick of the Church of Jesus Christ - Latter Day Saints, Fayetteville, GA. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**PUBLIC COMMENT:**

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

Kathie Cheney, Peachtree City, stated she was at the last meeting when the smoking ban proposal was presented. She said second hand smoke had destroyed her quality of life as she once knew it. She said she would read her statement because she felt it was important that the Board know what she had painfully learned. She said she was a prime example as to why the indoor smoking ban was so necessary. She said she knew it was hard to get people to recognize the danger. She said you cannot see the damage of second hand smoke until often it is too late. She said when her son was nine months old she began to learn about tobacco smoke and what the carcinogens and second hand smoke did within a person's body. She said she discovered she had a smoker's throat cancer even though she was never a smoker. That was when she discovered how serious second hand smoke was. She said two of her co-workers had too much exposure to second hand smoke followed by pregnancies, resulting in their deaths.

Mrs. Cheney said in the last few weeks she had learned what the tar and nicotine in tobacco smoke did within the body. She said it is like cholesterol. It builds a plaque that blocks arteries. She said a more immediate concern was the exposure to second hand smoke that could ignite the blocked artery within a person. Tobacco smoke makes the blood sticky. She said when the platelet in the blood sticks to the plaques it initiates the block that creates the stroke, heart attack or death. She said knowing not to smoke was not enough. She said you had to understand not to sit in it. She said the damage was not seen or felt until you were fighting to survive. She said smokers did not mean to damage other people but they did. She said the vote on the indoor smoking ban was a test of our gullibility as consumers. She asked if we were going to continue to fall for the meaningless smoking sections that only contain the smokers and not the smoke, or even the more dangerous recirculating air systems that filtered out the warning signs, the smell and sight of the smoke, but did nothing about the real dangers, the carcinogens, the tars, nicotine and other chemicals that killed people. She asked if we were going to tell the business community that it was time to demand honest solutions for real problems.

Mrs. Cheney asked the Board when they considered this to remember her scars from the cancer and from the blocked artery. She asked that they vote to protect life over nicotine.

Chairman Dunn told Mrs. Cheney that he had seen her letter in the paper and commented that it was very informative. He said he was familiar with her case from the past and he felt everyone on the Board wanted to protect the citizens of Fayette County as much as they could.

He said the Board had a discussion about this subject at the last meeting and also there were some letters to the editor today that addressed comments that were made that were taken totally out of context. He said he would speak to his own comment. He said the Board was struggling with how far to go with an intrusion in a person's life. He said he was an animate anti-smoker. He said somewhere between the government saying no one should smoke and trying to work out compromises with businesses in the community was probably where we will end up. He said there were already prohibitions against smoking in government buildings, total ban. He said the request from the Board of Health was a ban in public places without any definition of what public places were. He said they had asked those questions.

He said he understood the concerns of the people who wrote the letters, but they did not take the whole conversation in context when they quoted a few things that were said.

He said the government does not intrude in everything that is bad for people but this was an area that we have scientific information on and we would be able to come up with reasonable solutions. He said he would caution people to listen to the debates and not to take a sentence out of context when the Board was seriously trying to address the issue. He said they were looking for the balance of the welfare of the people and how far government should intrude in these decisions that individuals make.

**STAFF REPORTS:**

**EXECUTIVE SESSION:** Attorney McNally requested an executive session to discuss 3 legal items.

Commissioner VanLandingham requested an executive session to discuss 2 real estate items.

Chairman Dunn asked if there were any other items under Staff Reports.

Commissioner VanLandingham said he had an item that had been discussed and left laying for awhile. He said he wanted to discuss the Open House for the new Judicial Center. He said he felt we needed to move ahead and have an Open House before the building was a year old. He said a lot of people had not had the opportunity to see the facility. He said Carol Chandler had several dates from the judges that were compatible. He said he would like to make a motion that the Board let her pick one of the dates and schedule the Open House at the Judicial Complex.

Commissioner Frady seconded the motion. He said he agreed that it was time to have the Open House. He said he had checked with David Jeager and the punch list was completed, and had been for some time.

Chairman Dunn said the original plan was to wait until the project was completed. He said and the connectivity between the old and new facilities was not completed and would not be until April. He said there were still problems with the elevators in the building and he did not want to bring people in and get stuck in the elevators. He said he talked with some of the judges and they indicated that they did not care when the open house took place. He said the judges felt they were pressured to go ahead and have the open house. Chairman Dunn said he would not support having the open house at this time.

Commissioner Wells asked what was the status on the elevators.

Chairman Dunn said a consultant had been hired to find out what the problem was. He said there were multiple problems with the motors on the elevators. He said there was not a solution yet.

Commissioner Wells said she did not want to wait until April, May or June to have the Open House. She said she did not think the public cared if the buildings actually connected or not. She said maybe the difference of time could be split and plan for the Open House after the first of the year.

Commissioner Wells asked Carol to get with Judge English to see if January would be a good time for the Open House.

Motion carried 3-2. Commissioners Dunn and Pfeifer voted in opposition.

**EXECUTIVE SESSION:** Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to adjourn to Executive Session to discuss three legal items and two real estate items. Motion carried 5-0.

**LEGAL:** Attorney McNally discussed a legal matter with the Board.

The Board took no action on this matter.

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The Board tabled this matter.

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The Board tabled this matter.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 4:30 p.m.

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Peggy Butler, Chief Deputy Clerk

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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 11<sup>th</sup> day of December, 2003.