

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, February 12, 2004, 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
William R. McNally, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

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

CONSIDERATION OF A PACKAGED BEER AND WINE SALES LICENSE FOR DAVIS COUNTRY STORE:

Chairman Dunn remarked that this item was for the consideration of a packaged beer and wine sales license for Davis Country Store, 1619 S.R. 92 South, Fayetteville, Georgia. Amirali Somani, Owner/Applicant. He said this property was located in Land Lot 247 of the 4th District, fronted on S.R. 92 South, and was zoned A-R. He said this request was for a change of ownership only.

Attorney McNally asked for the Board's consideration to table this item for thirty days for further review.

It was the consensus of the Board to table this item for thirty days for further review and bring it back to the Board at that time.

ON-PREMISE CONSUMPTION LICENSE FOR BEER AND WINE FOR WYANT GOLF ENTERPRISES, INC. d/b/a THE PALMER COURSE AT STARR'S MILL APPROVED:

Chairman Dunn remarked that this item was for consideration of an On-Premise Consumption License for Beer and Wine for Wyant Golf Enterprises, Inc. d/b/a The Palmer Course at Starr's Mill, 175 Birkdale Drive, Fayetteville, Georgia, John W. Boykin, Owner/Applicant. He said this property was located in Land Lot 225 of the 4th District and Land Lot 2 of the 6th District, fronted Birkdale Drive, and was zoned PUD-PRD. He said this was a request for a change of ownership only.

Attorney McNally remarked that staff had reviewed this application and it was an existing license which was really a transfer. He said this application met all of the requirements of the county's code.

Commissioner Wells remarked that this was a specific vote for a specific entity. She said she needed to disclose that she had a professional relationship with this organization but it did not exceed the limit of financial amount that would require that she not vote for it. She said this was for disclosure only and she would be voting on this item.

Chairman Dunn interjected that he had a relationship with Wyant Golf Enterprises, Inc. but it had nothing to do with finances. He said he was on the Board of Trustees for Wyant Golf Enterprises, Inc. He said he received no compensation whatsoever and there was absolutely no question of an ethical violation on his part. He said a couple of the local newspapers had mentioned his relationship as well as Commissioner Wells' relationship with Wyant. He said neither he nor Commissioner Wells had any violations. He said he would also be voting on this item.

Commissioner Frady commented that he was slightly misquoted in the newspaper when he was asked about this issue approximately one week ago. He said when he was asked if Chairman Dunn was in violation of the ethics ordinance he had said that he did not think Chairman Dunn was in violation of any ordinance. He said the person then asked Commissioner Frady if he would have done what Chairman Dunn did and Commissioner Frady remarked no that he would not have. He said the person asked him if he felt Chairman Dunn had done wrong and Commissioner Frady said that the person would have to ask Chairman Dunn that question. He said he would probably do that but he was not saying that anybody else was wrong doing that.

Commissioner Wells clarified that what the Board was voting on tonight was totally different than what had previously come before the Board. She said previously there was a request for the Board to allow the voters to decide whether or not there would be liquor by the drink in Fayette County. She said it was merely being presented by a certain individual but the decision that was made that night was not for that specific individual. She said it was a request to determine if the citizens could vote on the issue on a referendum. She said that item was totally separate from the item the Board was voting on tonight. She said tonight's request was a specific request from a specific entity for something specific. She felt any discussion from the other was premature and ill advised.

Commissioner VanLandingham remarked that this license was already in place and was merely transferring the name that the license was held in. He said the newspaper also referred to the Board voting on this item. He said there had been no vote taken or no motion made. He said he did not see where the ethics violation would come into play at all. He said he saw no problem with Chairman Dunn and Commissioner Wells participating in the vote tonight.

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On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve the on-premise consumption license for beer and wine for Wyant Golf Enterprises, Inc. d/b/a The Palmer Course at Starr's Mill. The motion carried 5-0.

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

RATIFICATION OF BID AWARD - METRO ASPHALT PAVING CO. -

Ratification of approval to award bid to Metro Asphalt Paving Co. in the amount of \$137,112 for paving of Lake Horton Path System. A copy of the memorandum, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

MCINTOSH TRAIL COMMUNITY SERVICE BOARD - AGREEMENT FOR

SERVICES: Approval of Agreement for Services between Fayette County and the McIntosh Trail Community Service Board for mental health services. A copy of the Agreement for Services, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

RESOLUTION NO. 2004-05 - CAPITAL IMPROVEMENTS ELEMENT AND THE SHORT TERM WORK PROGRAM FOR FIRE SERVICES IMPACT FEES:

Approval of a Resolution No. 2004-05 adopting the annual update of the Capital Improvements Element (CIE) and the Short Term Work Program (STWP) for Fire Services Impact Fees as approved by the Georgia Department of Community Affairs. A copy of Resolution No. 2004-05, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

RECREATION COMMISSION - NUMBER OF MEMBERS: Approval of recommendation from the Recreation Commission and Staff that the number of positions on the Recreation Commission be reduced from seven members to five members. A copy of Resolution No. 2004-06, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on February 4, 2004.

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.

Alan Bell: Alan Bell, 150 St. Gabriel Way, Fayetteville asked for the Board's consideration in reviewing the county's ordinance regarding location and surface of parking areas for vehicles.

Mr. Bell said he did not agree with this ordinance and he wanted the ordinance to be changed. He said currently no one could park their car on the grass anywhere in Fayette County. He asked the Board for their thoughts on this ordinance.

Commissioner Wells remarked that the public comment section was meant for the public to come before the Board and speak for five minutes on any topic that was not discussed on the agenda. She said public comment was not for an exchange or dialogue. She said if Mr. Bell had specific questions they would need to be addressed outside of this particular part of the forum.

Chairman Dunn said the Board understood Mr. Bell's concerns and the Board would review this ordinance based on this request. He said any further comments that Mr. Bell might have would help the Board when they did review the ordinance.

Mr. Bell said he felt it was unfair that the Marshal's Office selected a few individuals who might be in violation of this ordinance. He said this ordinance did not say that it was illegal unless someone complained. He said he felt this ordinance was not being enforced with every citizen in mind but only a selected few. He felt if the ordinance did not pertain to every citizen then it needed to be taken out.

Chairman Dunn asked Mr. Bell if he had been cited.

Mr. Bell replied yes that he had been cited.

Chairman Dunn asked Mr. Bell if he had a lot of neighbors who had not been cited.

Mr. Bell responded yes that he had a lot of neighbors who had not been cited for vehicles parked on their grass. He said he had already spoken to Commissioner Pfeifer about this issue. He felt the Marshals were not being fair in the manner they were currently enforcing this ordinance. He felt the Marshal's Office was selectively driving past other violators and not enforcing this ordinance only because no one had called in a complaint. He said the Marshals were only enforcing this ordinance when they received a complaint on someone. He said this was not right. He said this was the reason he was here tonight. He asked for the Board's consideration in reviewing this ordinance and making a change in it.

Commissioner VanLandingham said he and the other Board members would be glad to discuss this issue with him outside of this meeting.

Chairman Dunn clarified that Mr. Bell did not like the enforcement of this ordinance against one person and not another. He said he would tend to say that he would agree

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with this. He said the ordinance needed to be enforced or changed. He said the Board would be reviewing this ordinance.

Commissioner Frady said it was his understanding that the county enforced all of the ordinances.

Mr. Bell replied no, the Marshals only enforce this ordinance if there was a complaint. He said the Marshals Office had told him this. He said now the Marshal's Office was keeping an eye on him and driving past everybody else.

Chairman Dunn said the Board would certainly look into this situation. He thanked Mr. Bell for his comments.

STAFF REPORTS:

COMMISSIONER FRADY: Commissioner Frady questioned the issue of greenspace funds.

Attorney McNally remarked that he had discussed this today with Senior Planner Pete Frisina and he was seeking an extension on this since the county was currently in active negotiations.

SPECIAL PURPOSE LOCAL OPTION SALES TAX - SPECIAL CALLED MEETING

WITH THE CITIES: Attorney McNally said it was his understanding that the Board had discussed the possibility of putting a S.L.O.S.T. on the November ballot. He said the law required that in order for the Board to do this, there would have to be a meeting with the cities from the county in which to discuss what might be appropriate to put on such an election. He said he did not know if the Board wanted to continue with this issue but it would be appropriate for the Board to set a time and place for that meeting if it so desired. He said staff was asking for the Board's consideration in selecting March 3rd at 3:30 p.m. for a special called meeting to discuss this with the cities.

On motion made by Commissioner Frady, seconded by Commissioner Wells to hold a special called meeting with the cities on March 3, 2004 at 3:30 p.m. to discuss the possibility of putting a Special Purpose Local Option Sales Tax on the November election ballot. The motion carried 5-0.

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

Commissioner VanLandingham requested an executive session to discuss one personnel matter.

Commissioner Wells requested an executive session to discuss one legal item.

RECREATION FACILITY AND INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PEACHTREE CITY: Attorney McNally that this was the Intergovernmental Agreement with the City of Peachtree City whereby the county had funded their recreation program in the amount of \$150,000. He said this was for the current year in exchange for the City of Peachtree City leaving their recreation facilities open to Fayette County residents at no cost over and above what a Peachtree City resident would pay. He said this was a confirmation of what the Board had agreed to do.

Commissioner Frady asked Attorney McNally if he had drawn up this agreement.

Attorney McNally replied that the agreement was drawn up by Peachtree City and it was revised by county staff.

Chairman Dunn interjected that he did not see a need for this contract. He said the county had given the City of Peachtree City money every year for at least a decade and there had never been a contract before.

Attorney McNally said he was aware of that but in actuality any time the county sends funds to a city government there should be an intergovernmental agreement with them.

Commissioner Wells interjected that this agreement merely addressed this budget cycle and did not address any future budget cycles and was merely for the current one.

Attorney McNally remarked that this agreement would have to be entered into each year and it was not for any specific purpose. He said it was to keep the recreation facilities open.

Chairman Dunn said he wanted to emphasize that this was an annual contract and in no way obligated the county to continue to do this. He said the Board would have to vote on this each year during the budget cycle. He said if the Board voted yes then there would be another contract and if the Board voted no then there would not be a contract.

Commissioner Frady said he needed to review this agreement further and he requested that this item be tabled.

It was the consensus of the Board to table this item.

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

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

The Board took no action on this matter.

LEGAL: Attorney McNally advised the Board on a legal matter.

The Board took no action on this matter.

PERSONNEL: Commissioner VanLandingham requested that this item be withdrawn.

LEGAL: Commissioner Wells discussed a legal matter with the Board. Staff was not present for this discussion.

The Board took no action on this matter.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that three legal items were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 5", 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 8:30 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 26th day of February, 2004.

Karen Morley, Chief Deputy Clerk