

The Board of Commissioners of Fayette County, Georgia met in Official Session on March 11, 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  
Peggy Butler, Chief Deputy Clerk

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The meeting was called to order by Chairman Dunn. He offered the invocation and led the pledge to the flag.

**PUBLIC HEARING:**

**PACKAGED BEER AND WINE SALES LICENSE FOR DAVIS COUNTY STORE:**

Consideration of a Packaged Beer and Wine Sales License for Davis Country Store, 1619 S.R. 92 South, Fayetteville, Georgia. Amirali Somani, Owner/Applicant. This property is located in Land Lot 247 of the 4<sup>th</sup> District, fronts on S.R. 92 South, and is zoned A-R. This request is for a change of ownership only. This item was tabled from the February 12, 2004 meeting.

Attorney McNally addressed the Board in regards to the request for the packaged beer and wine sales license for the Davis Country Store. He told the Chairman that they had examined the request and it met all of the requirements of the County for the issuance of the license.

Chairman Dunn announced that this was a public hearing therefore if anyone wished to speak for or against this issue they could do so at this time. No one spoke in favor or against this request.

Chairman Dunn said this request had been tabled at the last meeting because they had information that did not seem to be tracking properly. He said they had since learned that there were no problems.

Motion was made by Commissioner Frady to approve the packaged beer and wine sales license for Davis Country Store. Motion was seconded by Commissioner VanLandingham. Motion carried 5-0. A copy of the license application, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**NEW BUSINESS:**

**CONSIDERATION OF THREE BLUE CROSS/BLUE SHIELD HEALTH INSURANCE RENEWAL OPTIONS:**

Guy Morrison, Blue Cross/Blue Shield representative, said June 1 was the official renewal date of the medical program with Blue Cross/Blue Shield. He said they had worked through the options and there were three alternatives for this year's renewal. He said now the employees of Fayette County had an option of three programs under the medical umbrella. He said they had an HMO, Point of Service Plan, and a PPO. He said they worked with Blue Cross/Blue Shield to understand what the most competitive renewal could be. Blue Cross/Blue Shield came back with three alternatives. The first would be to stay with the identical program that was now in place. He said this would not modify any of the benefits to the employees and it would maintain the three choices between the HMO, Point of Service and PPO. He said the increase would be 5.9%. He said option two would be to eliminate one of the three options. He said the option that would be eliminated would be the PPO. He said 90% of the employees were currently in the HMO plan, 5% in the Point of Service plan and 5% are in the PPO. He said in Option 2 the 5% of the employees in the PPO Plan would be required to choose the HMO or Point of Service option. He said that increase would drop to an aggregate of 2.59%. He said there was a financial incentive offered to eliminate the PPO program. He said Option 3 was to maintain the HMO, Point of Service and PPO but instead of giving one consistent increase which would be the 5.9% the option was given to increase the rate of the plan more in line with the utilization of the plan. He said it was giving the HMO a more favorable increase at 5%, the Point of Service at 10% and the PPO plan at 15%.

Commissioner VanLandingham said for clarification in Option 3 there was not a blend in the increases - they would stand by themselves. Mr. Morrison said that was correct.

Chairman Dunn said that anyone who decided to keep their PPO would have a 15% increase in their rates. Mr. Morrison said under that scenario that was correct.

Commissioner Wells confirmed that the recommendation of Staff was Option 2. Mr. Morrison said the recommendation was Option 2.

Mr. Morrison said there were primarily two reasons supporting that recommendation. He said as seen by the premium rates, the PPO plan was the most expensive. He said the reason for that was the contract rate with the providers were higher on the PPO verses the POS and HMO. He said also the PPO utilization continued to exceed the HMO and Point of Service utilization. He said the concept was in looking forward to next year's renewal if the PPO was removed then the experience would go into the two plans with better contracts, and would be less likely to negatively impact the plan. He said they took the 30 people who were currently in the PPO plan and checked to see if they were in the plan

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because their access to HMO or Point of Service providers was not adequate. He said all but one individual had an access issue.

Chairman Dunn asked how they would handle someone who was currently in the PPO being treated and the treatment may continue for 6 months to a year? Mr. Morrison said if someone moved from their PPO to the Point of Service or HMO there was a transition of care that took place and the coordination was between the physicians that were in the PPO network but not in the Point of Service or HMO and the medical staff at Blue Cross/Blue Shield. He said it could continue depending on the need of staying outside of the network.

Chairman Dunn clarified that they could switch the program and it would be seamless if someone was already being treated. He said it was up to the doctors and Blue Cross/Blue Shield to work it out. Mr. Morrison said that was correct.

Motion was made by Commissioner VanLandingham to adopt Blue Cross/Blue Shield Option 2. Motion was seconded by Commissioner Frady.

Commissioner Pfeifer commented that this was not a joyful issue for the provider or consumer point of view financially. He said he wanted to compliment Mr. Morrison. He said no matter which option that was looked at the increases were more modest than he had anticipated, yet more than he wanted them to be.

Chairman Dunn said he wanted to thank Mr. Morrison and Connie Boehnke for bringing the information to the Board early in the year so that we had time to digest everything and consider everything thoroughly.

Motion carried 5-0. A copy of the 3 options, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**CONSIDERATION OF PROPOSED AMENDMENT TO THE FAYETTE COUNTY CODE CONCERNING THE LEASH LAW REGULATIONS ORDINANCE NO. 2004-03:**

Attorney McNally said he had amendments that were proposed at the Retreat which had to do with keeping your pet under voice command while on your property.

Commissioner Frady said he hated to think that we were working with an ordinance all of this time and now all of a sudden reversing it. He said he thought it was for the better.

Attorney McNally agreed.

Commissioner Wells explained to the audience that initially the ordinance said you could have your pet off your property under voice command but you could not have you pet on your property off a leash under voice command which did not made a lot of sense. She said that was what the Board was correcting tonight.

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Commissioner Wells said she had a question about the wording. She said it said to "prohibit the use of voice command to control an animal while off of the real property". She said we would not want to prohibit anyone from using voice command on their property. She said it needed to read "on leash control" rather than "prohibit the use of voice control" because sometime a combination of the use of both is needed. She said she would not want that to be an escape for someone.

Attorney McNally said that change could be made.

Motion was made by Commissioner Wells to adopt Ordinance No. 2004-03 for the leash law as presented. Motion was seconded by Commissioner Frady.

Chairman Dunn thanked Commissioner VanLandingham for bringing this to the Board's attention and pushing to have it changed.

Motion carried 5-0. A copy of Ordinance No. 2004-03, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**CONSIDERATION OF REQUEST TO PUT BEFORE THE VOTERS PROVISIONS THAT WOULD ALLOW FACILITIES IN UNINCORPORATED FAYETTE COUNTY TO SELL "LIQUOR BY THE DRINK."**

Chairman Dunn said that two meetings ago there was a request from the Palmer Course at Starr's Mill that asked the Board to put "Liquor by the Drink" on the referendum so that the people throughout the County could vote on it. He said there was a debate on the subject but no action was taken. He said subsequently the Board received another letter of request from the Palmer Course, plus a letter from The Italian Oven Restaurant located in the shopping Center on Highway 54, and from The Olde Mill Restaurant located on Crystal Lake. He said the item was put on the agenda again tonight.

Motion was made by Commissioner Pfeifer to call for a referendum to be placed on the July 20 Primary Election ballot that would allow citizens to vote on whether or not eating establishments located in unincorporated Fayette County can serve "liquor-by-the-drink". Motion was seconded by Commissioner Wells. Discussion followed.

Commissioner Pfeifer commented that the Board was asked several weeks ago to put this item on the ballot. He said at that time his concern was what belonged on the ballot and how did an issue get on a ballot. He said then if a petition had been presented, which is part of the law, then he would vote yes simply because those requirements had been filled. He said there was not a petition in this case. He said the question, which was not answered at that meeting, was what were the issues that could be put on the ballot and under what circumstances and conditions could something be put on the ballot. He said he was concerned that we might clog up the ballot with issues simply because someone asked for something to be placed on the ballot. He said he wanted to know how the Board would justify saying yes or no to any request to put something on the ballot. He said his

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concern had been addressed by the attorneys. He said there was a limited number of items that could be placed on the ballot, one of them being liquor by the drink.

He said now that he knew this he could support placing this item on the ballot so as to get the wishes and judgment of the citizens of the unincorporated county who have not had the opportunity to vote on this issue previously.

Commissioner VanLandingham said he had received three pieces of correspondence from people who had asked him to reconsider his position. He said one person stated we were denying them the right to vote. He said that was not the case, there was no denial to vote. He said somewhere in the past a decision had been made that this could be done one of two ways. He said he chose one way while some others chose another way. He said both procedures were legal and neither deprived a person the right to vote. He said the proposal came to Fayetteville and it was stated that Fayetteville went ahead and put it on the ballot, which was not true. He said they had the signatures to have it put on the ballot, the council did not do that. He said since this had become a public issue and not acted on last time, the people who had talked to him had overwhelmingly said they did not want this issue on the ballot. He said this may be why that it was allowed to be approached in the manner of two positions, either the Board of Commissioners vote to put it on the ballot or signatures on a petition caused the issue to be put on the ballot. He said it came down to what a community wanted. He said they had told him they did not want it on a ballot. He said we were being compared to Fayetteville and to other entities around us. He said he had not changed his position and he would not vote to put this item on the ballot.

Commissioner Frady said he was not going to change his position. He said he was not going to fight for it or against it. He said he was going to abstain from voting on this issue. He said he felt the better way to represent all the people was for the people to get a petition.

Commissioner VanLandingham said if the signatures were garnered he would not have one thing to say against it. He said he did not think the Board needed to make this decision when there had been so many people saying they did not want it.

Commissioner Wells said she wanted to clarify that the Board was not making the decision whether there would or would not be liquor by the drink in Fayette County. She said they were putting it on the ballot so that the citizens in Fayette County could vote it up or down. She said she felt that was their responsibility as representatives of the citizens. She said if the citizens in Fayette County voted this down she would not have a problem with it. She said if they voted for it, they were adults, they could handle it. She said she was not a drinker, this was not something that was a burning issue to her. She said what was a burning issue to her was that they represented the citizens. She said people who had talked to her had been overwhelmingly in support of putting this item on the ballot. She said by doing this it would solve the issue. She said she was very much in support of allowing the citizens to make this determination. She said the Board was giving them a chance to vote on it.

Chairman Dunn said he had one person tell him they did not think this issue should be put on the ballot at all. He said dozens of people had said it should be put on the ballot. He said his vote in support of this issue going on the ballot in no way should indicate how he would vote on this. He said that was a private matter. He said there were two ways to get this item on a ballot. One way was easy and one way was tough. He said he did not see any difference in the outcome of a vote whether they took the hard road or easy road in putting in on the ballot and saving the staff the trouble of validating about 9,000 signatures, phone numbers and addresses. He said however it got on the ballot the people were going to vote the same way, either for it or against it. He said he felt it was easier to do this way and they should do it this way. He said he was going to be consistent with the comments he made last time.

Motion carried 3-1-1 with Commissioner VanLandingham opposing and Commissioner Frady abstaining. A copy of the requests, identified as "Attachment No. 4", follows these minutes as is made an official part hereof. A copy of Resolution No. 2004-07 calling for said referendum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**CONSENT AGENDA:** Motion was made by Commissioner Wells to approve items 1, 2, 3, 5 and 6 of the Consent Agenda. Item no. 4 was withdrawn for discussion. Motion was seconded by Commissioner VanLandingham. Motion carried 5-0.

**OLIVIA ESTATES AND WRIGHTSBURG ESTATES ACCEPTED AS STREET LIGHT DISTRICTS:** Approval of request to accept Olivia Estates and Wrightsburg Estates as street light districts as recommended by Ron Salmons, Director of Leisure Services and Development.

**AWARD WATER METER INSTALLATION TO LOW BIDDER - UTILITY PARTNERS OF AMERICA:** Approval of request to award the low bidder, Utility Partners of America, the Water Meter Installation bid as recommended by Tim Jones, Director of Purchasing. A copy of the recommendation, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**INCREASE MISCELLANEOUS REVENUE AND THE LIBRARY'S PUBLIC RELATIONS EXPENDITURE:** Approval of request to increase miscellaneous revenue and to increase the Library's public relations expenditure account as recommended by Chris Snell, Director of Library Services. A copy of the request, identified as "Attachment No. 7," follows these minutes and is made an official part hereof.

**SIGN REQUEST - FAYETTE COUNTY HUMANE SOCIETY:** Approval of request to place a sign on the Old Courthouse lawn May 22-June 5 to advertise the Fayette County Humane Society's fundraiser.

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Commissioner VanLandingham said there seemed to be some confusion on a letter sent out regarding use of government property. He said if the Board wanted to discuss it tonight or at another meeting, either way was fine with him.

Chairman Dunn asked the County Administrator, Chris Cofty, if the interim policy addressed the signs. Mr. Cofty replied that it did.

Commissioner Wells asked how soon were they going to be to the point of discussing the new policy for using county facilities.

Attorney McNally said he would like to have thirty days.

Chairman Dunn asked if there were any reservations for sign permits that went beyond June 5<sup>th</sup>.

Executive Assistant Carol Chandler reported that yes there were requests that had been approved way into the year.

It was the consensus of the board to table this item until a policy was adopted.

**REAPPOINT OF BILLY SHAW, BILLY GUNNIN AND ED QUATTLEBAUM TO THE RECREATION COMMISSION:** Approval of reappointments of Billy Shaw, term to commence April 1, 2004 and to expire March 31, 2008, Billy Gunnin and Ed Quattlebaum, terms to commence retroactive to April 1, 2002 and expire March 31, 2006, to the Recreation Commission to remove conflicts in old records.

**REAPPOINTMENT OF RANDY HAYES TO THE FAYETTE COUNTY DEVELOPMENT AUTHORITY:** Approval of reappointment of Randy Hayes to the Fayette County Development Authority, term to begin April 10, 2004 and to expire April 9, 2008.

**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.

**CARRIE KLARL:** Carrie Klarl, 203 Mann Road, Fayette County, read a letter on behalf of herself and neighbors expressing their concern over the County's adoption of the new Master Transportation Plan that would dramatically impact their quiet rural neighborhood. She said through this letter they were voicing their strong objection to a portion of the plan, the fourth priority, an extension of Sandy Creek Road. She said this road project would adversely impact the surrounding property owners who cherish their rural way of life. She said if the County decided to move forward with this road project, they would vote against the SPLOST and would also work vigorously to encourage other residents of the County to do so as well.

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Ms. Klarl then submitted to the Board a petition signed by the residents of Mann Road and Trickum Creek Road requesting that project R-2, the extension of Sandy Creek Road to Palmetto Road, be removed from the Master Transportation Plan before the Special Local Option Sales Tax was placed on the November 2004 ballot. A copy of the petition, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**STAFF REPORTS:**

**ATTORNEY MCNALLY:** Attorney McNally asked for an Executive Session to discuss three real estate items and one legal item.

Motion was made by Commissioner Wells to adjourn to Executive Session to discuss three real estate items and one legal item. Motion was seconded by Commissioner Pfeifer. Motion carried 5-0.

**EXECUTIVE SESSION:**

**REAL ESTATE:** Attorney McNally advised the Board on a real estate matter.

The Board took no action on this matter.

**REAL ESTATE:** Attorney McNally advised the Board on a real estate matter.

Motion was made by Commissioner Wells to authorize the attorney to proceed in this matter. Motion was seconded by Commissioner Frady. Motion carried 5-0.

**REAL ESTATE:** Attorney McNally advised the Board on a real estate matter.

Motion was made by Commissioner Wells to authorize the attorney to proceed in this matter. Motion was seconded by Commissioner Pfeifer. Motion carried 5-0.

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

Motion was made by Commissioner Frady to authorize the attorney to proceed in this matter. Motion was seconded by Commissioner Wells. Motion carried 5-0.

**EXECUTIVE SESSION AFFIDAVIT:** Motion was made by Commissioner Wells to authorize the chairman to executive the Executive Session Affidavit affirming that three real estate items and one legal item were discussed in Executive Session. Motion was seconded by Commissioner Frady. Motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 9", 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 9:45 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 11th day of March 2004.

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Peggy Butler, Chief Deputy Clerk