

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, December 9, 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.

RECOGNITION OF CHIEF MARSHAL BUTCH HALL UPON HIS RETIREMENT:

Chairman Dunn and the Board recognition of Chief Marshal Butch Hall upon his retirement after 29 years of service to Fayette County.

Chairman Dunn remarked that Butch Hall was one of the longest serving and most effective employees of Fayette County. He said Butch had done many things for the county and done them all well. He said Butch would be greatly missed. He asked Chief Jack Krakeel to come forward and comment on Chief Hall's career.

Chief Jack Krakeel remarked that for the last several years he has had the privilege and pleasure of working with Chief Marshal Butch Hall. He said tonight was Butch's retirement from Fayette County after 29 years of service. He said Butch actually began his career in Fayette County in 1975 and prior to that Butch had served as a fire fighter. He said they had a kinship. He said Butch had decided that law enforcement was the career that he chose as his profession and that career had guided him well over the last 40 or so years. He said Butch was a police officer, State Trooper and was hired in 1975 by the former Sheriff of Fayette County James Jones as a Deputy Marshal. He said subsequent to that Butch rose through the ranks of the Sheriff's Department and was appointed Chief Deputy by Randall Johnson. He said Butch served in that position for a significant number of years and was also the county's first criminal investigator.

Chief Krakeel further commented that in August of 1989 when the Fayette County Board of Commissioners created a new department called the Marshal's Department Butch Hall was designated to head that organization. He said Butch had done an exceptional job during the last fifteen years heading that department up. He stated that Butch was a graduate of the Georgia State University Law Enforcement Management school and holds

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a Master's Degree in Criminal Justice Management. He said Butch was a graduate of the 149th Session of the F.B.I. National Academy, a graduate of the Georgia Bureau of Investigations Academy, holds an Executive Certificate from the Georgia Peace Officers Standards and Training Council, a graduate of the Georgia Association of Chiefs of Police Command College, a graduate of the National Sheriff's Institute, completed the University of Georgia Management Development Program, a member of the Georgia Chief of Police Association, a member of the National Chief of Police Association, a member of the F.B.I. National Academy Association, and a member of the Atlanta Metropole Association. He said Butch was married to Linda and they had four children and seven grandchildren. He said Butch enjoys several pastimes most of which were outdoors such as fishing and hunting. He said he has had the pleasure of hunting with Butch. He said he wanted to tell a quick story. He said when it comes to fishing you have to be careful if you go fishing with Butch Hall. He stated that several years ago when Sam Champion was the county's Public Works Superintendent they had all gone fishing at Lake West Point. He said Sam had bought himself a brand new rod and a brand new reel and it was pretty expensive according to Sam. He said they had been fishing for approximately three or four hours and had not had a lot of luck and finally they saw some fish topping the water. He said one of them cast out and got a nice little hybrid. He said Butch in his eagerness to catch a hybrid leaned back and as luck would have it his lure caught the end of Sam's rod and slung it about 60 feet out in the middle of West Point Lake in about 50 feet of water. He said Sam was the kind of person who was never at a loss for words and this was the only time that he could recall Sam Champion standing there in utter silence with his mouth wide open.

Chief Krakeel further stated that Butch had been a great asset to this county and he had thoroughly enjoyed the privilege of serving with him for the last couple of years as the Director of Public Safety and working with Butch in the Fayette County Marshal's Office.

Chairman Dunn said Butch Hall had been the county's Chief Marshal since 1989. He said today was a good day in some ways but he felt it was not so good for some people in this room. He said there was over 32 years experience among all of the current Board of Commissioners. He said Butch had been the county's marshal every day that every current Board member had been in office. He remarked that the Board had grown dependent on Butch's good and sound judgment. He said one of the things that the Board was going to miss so much was Butch's reasonable approach to people. He said when things go wrong and people have problems, Butch knows somehow intuitively inside himself how to deal with people and not exacerbate a problem and to take care of the person and to secure each one of us as part of his job. He said one could tell from the people who work for Butch and their attitudes that they also shine in this area. He said the Marshal's Office takes care of people very well. He said the county had been very fortunate.

Chairman Dunn remarked that Butch had been in every job imaginable and knows just about everything that there was to know about public safety. He said there was a rocking chair here that belonged to Butch and normally these were given to people who were going

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off and retire. He said Butch was not going to get a whole lot of use out of the rocker for a while. He stated when Butch retires he would be going to work as a Chief Investigator for the new District Attorney. He said that in itself was a whole new challenge and was another aspect of law enforcement and maybe the only one that Butch had not done yet. He commented that after September 11th the National Government created the Department of Homeland Security and that had trickled down to the local governments. He said Butch was also the first Director of Homeland Security in Fayette County's history. He said Butch had done a very good job in implementing programs that many people were not familiar with. He said Butch and his staff had taken care of security of vital assets in this county. He said Butch had done an excellent job.

Chairman Dunn said what he had grown to like about Butch was that he does everything professionally and calmly and he was not flamboyant or self-effacing. He said Butch does not look for credit but just looks to get the job done and get it done professionally and to have the least possible interruption of the lives of the people he has to deal with whether they be good people or not so good people. He said Butch was all about "taking care of business". He said as the county has this transition to make now to replace Butch, it was going to be a very hard thing for the county to do. He said Butch knew everybody in the county and there was just no aspect of law enforcement that the Board has ever asked Butch to look into or to take care of a problem where he did not have familiarity and experience. He said this could not be replicated in just anybody. He said this would take the county a long time to find somebody who everyone was comfortable with and we all know who would treat the citizens of Fayette County as well as Butch has since 1989.

Chairman Dunn said as Butch leaves, he just wanted him to know that the Board was going to miss him. He said personally he was not thrilled that Butch was leaving but he said the new District Attorney Scott Ballard was very lucky to have someone like Butch to head up his investigative department. He said all of the people in the four county area of the district would continue to be served by Butch Hall. He thanked Butch for everything that he had done. He said the Board was very grateful. He said Butch had been a good chief of police, a super friend and an all around professional. He said Butch was an institution in Fayette County. He said the people of Fayette County had been very lucky to have had Butch in this job.

Chief Hall said he appreciated all of the Boards' support during the past years, all of the county employees, the administrative staff and especially Chief Krakeel and the Fire Department and of course the Marshal's Office staff. He said without these people the Marshal's Office would not exist. He said these people were the backbone and not him. He said these were the ones to take the credit.

All of the Board members congratulated Butch on a job well done.

REZONING PETITIONS:

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County Commissioners. She said at this hearing the Board would listen to the concerns of everyone, whether in favor or opposition to the rezoning petition. She pointed out when a rezoning petition was called, the petitioner or representative for the petitioner would be allowed 15 minutes in which to present the details of the request, followed by anyone who wanted to voice support for the request. She stated that the Chairman would then allow all those individuals who were opposed to the rezoning to stand for a moment to display their opposition. She said the Chairman would then ask those individuals who wished to come to the podium to speak to remain standing so the Board and staff could get an idea of how to allocate its time. She said the Board would allow up to 3 minutes for each speaker. She said when the persons speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

Commissioner Wells further remarked that these hearings were a part of the permanent record and speaking at the podium with the microphone helped staff with their task of recording comments and ensured everyone being heard. She remarked when it was an individual's turn to speak that they come to the podium, state their name and address and direct their comments to the Board only. She asked that after individuals speak that they sign the sheet that would be provided by the Marshal in order for names to be spelled correctly for the record.

Commissioner Wells stated that the Board wanted to hear from everyone who had something to say and they would pay close attention to each point raised. She said it would not be necessary for the same point to be raised over and over. She thanked everyone for their participation and announced that the Zoning Administrator would begin introducing each request in the order they appeared on tonight's agenda.

PETITION NO. 1133-04:

Director of Zoning Aaron Wheeler read Petition No. 1133-04, Reese Developers, Inc., Owners, and Tom Reese, Agent, request to rezone 20.66 acres from A-R to O-I to develop an Office Park consisting of 22 lots. He said this property was located in Land Lot 253 of the 4th District and fronted on S.R. 85 South and McBride Road. He said the Planning Commission recommended denial (5-0) and Staff recommended denial.

Tom Reese, Agent, representing Reese Developers, Inc., 956 Al Roberts Road, Senoia said he was the C.E.O. of Reese Developers, Inc. He said he was present tonight to ask for a rezoning of 20.66 acres located on S.R. 85 South from agricultural to office/institutional. He said they felt like the zoning was appropriate for this area. He said he was aware that the Land Use Plan showed this area zoned for agricultural/residential use. He said he would like to show to the Board and to the public the fact that because this

was located on S.R. 85 and because of all of the surrounding area that this zoning would be appropriate. He said the property that they were looking bordered S.R. 85 and went around the BP service station which was commercial property. He said the area was abutted by commercial property there and in the back there was residential property. He said even though some of the property was zoned agricultural the use of it that was now in place was office/institutional. He said obviously churches and schools were institutions and they could be used in agricultural zoning. He said the realty was because of the location that the area around it was already surrounded by office/institutional. He said he felt that everyone was aware that on S.R. 85 there had been a progression from Fayetteville down to that area. He said if one looked from S.R. 85 out that office/institutional was in place there. He said that had been the buffer from S.R. 85 over to the residential area. He said the property just happened to be in the same type buffer zone that would go from S.R. 85 over to the residential area.

Mr. Reese said he understood the Land Use Plan and normally the reason for a rezoning issue was to change the Land Use Plan because of what had happened in that particular area. He commented that the Planning Commission had acknowledged that the only reason they were voting against this primarily was because it was not slighted for the Land Use Plan. He felt like his petition, because of what was currently there, the natural progression should be office/institutional. He said one member of the Planning Commission had stated that if the land use had been different that he would have supported the request due to the location of the subject property and the existing proposed schools. He said the Planning Commission member had stated that no one wanted to purchase residential property in the school's front door. He said the Planning Commission member had commented that he had to support the Land Use Plan which was his only reason for voting in opposition. He said another member of the Planning Commission concurred and asked what would be more appropriate on S.R. 85 South homes or businesses. He said unfortunately the Land Use Plan designated this area as residential. He said the Planning Commission member added that if the Land Use Plan was different that he would have considered this request. He said he felt this was the reason the county had these zonings and these hearings so that changes could be made when it was appropriate. He said from that standpoint, this was the reason he was presenting this request.

Mr. Reese further remarked that he had been involved in Fayette County for many years and been in many organizations and he wanted Fayette County to maintain its integrity. He said he wanted Fayette County to be a place where he would want to work. He said he wanted to move his office here. He said one of the considerations is the fact that if residential was looked at in this area, residential did not support the tax base nearly as much as the offices than commercial and those type things. He said as a matter of fact in the Atlanta Journal and Constitution on November 29th there was an article referencing Paulding County but it also showed all of the counties. He said the percentage of use in that county versus residential versus commercial versus office. He stated that the entire article was related to the fact that many of the counties already pursuing office space,

commercial space because of the tax base. He said there was even economic development authorities in these counties as in Fayette County so that the tax base could be improved and have the revenue to support the quality of lifestyle that was wanted. He said there was a lot of positives about this. He called the Board's attention to the proposed plan and stated that he had also tried to protect the residential area that bordered this to the East. He said there was a 30 foot buffer and green space. He stated that inside this there was a large park area and a lot of green space. He said he wanted to do whatever was necessary to make sure that this project would not impact negatively this area. He said he understood that there would be opposition to this and he appreciated that. He said that was what was so wonderful about America in that everyone gets to speak out. He felt when the Board looked at the total picture that this was the best use. He said a Planning Commission member questioned who would buy a house there. He stated that no one would buy a house in that location with all of the schools and churches around it. He said it was residential and he did not want commercial there because that could create retail spaces where kids would come perhaps and hang out. He felt the least impact and still fit into this area would be offices. He further remarked that he would build first class offices. He said he would move his own headquarters here. He said he could share that a lot of income would be generated from that. He said he wanted a first class facility with all brick, all natural stone, glass and architectural metal. He said this would be first class office space. He said he was respectfully requesting that the Board rezone this to O-I.

Chairman Dunn asked Mr. Reese to clarify the areas he had referred to as parks. He commented that the area on the Eastern boundary was not just a park.

Mr. Reese agreed and stated that it was a part of the green space that was designated for a community septic system for this area. He said it would end up as green space.

Chairman Dunn said he just wanted to make it clear that was a septic system as well and Mr. Reese replied yes that was correct.

Chairman Dunn asked if anyone wished to speak in support of this rezoning request. Hearing none, he asked if anyone wished to speak in opposition. He counted 16 people standing in opposition. He asked who wanted to speak and seven people said they would like to speak.

Ann Daniel, 740 McBride Road, Fayetteville remarked that if the Board would look at the project that Mr. Reese wanted to build in her area, the retention pond that Mr. Reese referred to as a park, was right next to her driveway. She said she already had a retention pond and a septic and sewage drainage in her backyard from the Fayette County Board of Education. She remarked that she had gone through the neighborhood and gotten signatures from her neighbors and she wanted to present a petition to the Board. A copy of the petition, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. She asked that the Board review the comments that she and her

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neighbors had gotten together and discussed. She asked that the Board consider their homestead and she said they did not want this project in their area.

Commissioner Wells said she wanted to point out something for clarification. She questioned Ms. Daniel's comments about a retention pond from the School System.

Ms. Daniel remarked that she did have a retention pond from the new high school and elementary school.

Commissioner Wells asked Ms. Daniel if she had a homeowners' association in her neighborhood.

Ms. Daniel replied no.

Chairman Dunn asked who would like to speak next.

Tony Giordano, 165 Shamrock Drive, Fayetteville said he would like Mr. Reese to explain to him the green area that he had referred to as well as the retention pond. He asked just exactly where these were in relation to his property which was lot 14 and 15.

Chairman Dunn remarked that after everyone speaks who wanted to speak Mr. Reese would have an opportunity to address all of the questions that are asked. He said there would not be a two way dialog.

Mr. Giordano said he had bought his property which consisted of two lots. He said he wanted the first lot for his daughter to build a home. He said he had people come over to take a perk test. He said the perk test had failed. He said this individual had gone all the way down to the back end of the property line and it still did not perk. He said if he was looking at this map correctly, Mr. Reese's property starts right at the fence line. He said he wanted to repeat his statement that the engineer had come down to the property and tried to get it to perk and it would not perk all the way up to the fence line. He said his question was where was the sewerage going to go when Mr. Reese puts in his system. He said if his property did not perk he doubted that Mr. Reese's property would either. He said the land could not change abruptly just on a couple of feet. He said he really did not know where the sewerage was going to go. He said he had a feeling that it was going to go on his property and the other people who live on Shamrock Drive.

Chairman Dunn said he was sure that Mr. Reese would address these concerns.

Mr. Giordano said at the Planning and Zoning meeting Mr. Reese had said that this building was going to be two floors. He said he was definitely against that because he did not want to be looking at a two story building from his backyard. He said he was totally against that. He said there were no buildings along S.R. 85 that he was aware of that had two floors.

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He said every building had single floors. He said he had a feeling that the two floors were going to be above the tree line.

Tim Thoms, 625 McBride Road, Fayetteville stated that he had purchased his home here in 1995. He said he had searched out Fayette County and had lived here since 1984. He said he had searched for an area where he could build a house and have a farm. He said he farms sixteen acres on McBride Road. He said they still live in a rural area and this was the reason there was no homeowners' association. He said when he bought his property he had reviewed the Land Use Plan, transportation plan, utilities plan and realized what the county was doing. He said the Land Use Plan said that this area was going to be a medium density area down to Goza Road. He said his farming operation fit in with that. He said when the Land Use Plan starts changing it would be a domino affect. He said this would affect his property which was approximately a half mile from Mr. Reese's property. He said he wanted to address three or four points. He stated it was zoned A-R and the county did allow institutional uses such as churches and schools. He said this property was well suited for that. He said Mr. Reese had pointed out three or four churches and Fayette County was still short three or four churches. He said this property could be used for another institutional type use under the A-R zoning. He said it was not surrounded by institutional uses such as churches or schools. He stated that another point was that someone might not build a home there but a veterinary clinic or nursery could be built there. He said they had no say so on the schools and had no opportunity to give input. He said he appreciated the fact that the citizens could give input to the Board of Commissioners on this petition. He said the citizens could not help the way the area of McBride Road was changing and there being several schools. He said at least the citizens could tell the Board their concerns about office type traffic and everything else involved with that. He said he had attended the Planning Commission meeting and he was concerned about some of the comments that the Planning Commissioners made. He said Mr. Reese had quoted those pretty directly. He said he had lived in Fayette County since 1984 and had seen the changes. He said this was growing county. He said the City of Fayetteville had allowed a lot of things that he did not particularly care for but that was what the City had decided. He said the citizens could at least give input to the Board of Commissioners and they wanted to say that they want this to stay a rural area as much as possible. He said they did not feel that an office community and all of the residual traffic that would be generated would be beneficial to maintaining that status.

Debbie Mathews, 740 Harp Road, Fayetteville said she had lived in the same home here in Fayette County since 1973. She said there were a lot of churches and schools down this road. She said she had a child in Sara Harp Minter and one child in Whitewater. She said every morning when going to the schools there had to be a policeman present to direct traffic. She said there had been many wrecks trying to get into Whitewater School. She said having this project would only add to the congestion. She said now with the high school kids driving back and forth to school and all of the subdivisions up and down S.R. 85 it was just too much traffic. She said with each household there were probably two parents who work and then the children. She said the area was rural. She said she did not

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mind the schools or the churches but they did not want institutions in that area. She said she lived on five acres and she knew if this project or something similar was ever built in that area then it would just branch out all up and down S.R. 85 just like Riverdale. She said even now Fayette County had empty buildings that were an eye sore. She said she did not want that in this area. She said her area was beautiful with horses and pasture land. She said they wanted it to stay like that. She said the people had elected this Board and she hoped the Board listened to the people.

David Wilson, 754 McBride Road, Fayetteville said he and his wife had purchased this property in March of this year. He said in direct response to Mr. Reese's comment that no one would want to buy a house in that area, they had purchased a house specifically because it had five acres. He said they had moved from a home in South Fulton County near Old National Highway. He said they had four acres there but they had to leave that area because of some raw land that was available for development. He said they were building very inexpensive homes and the traffic on his street increased substantially. He said they were now building townhouses on Buffington Road in that area. He said they liked a little bit of peace and quite and could not find it there. He stated that it was very peaceful and very quiet in this area. He said he was 55 years old, his children were grown and he looked at this being five acres of land that they could be on from this point on without having to move again. He said he did not like the idea of bringing in a commercial entity. He said he lived right next door to Ann Daniel. He said he understood growth and development in a community and commented that he had grown up in the center of Atlanta. He said as Atlanta got crowded and more crowded he and his family moved further and further South. He said one of his son's friends commented that one day they were going to end up in Macon. He said he did not want to go home where there were hundreds of people working.

Scott Gilbert, 591 McBride Road, Fayetteville said he did not think that anyone here tonight begrudged Mr. Reese for wanting to do something on his property. He said his dad was a farmer and one thing that he had learned was that you don't need to mind your neighbor's business and they don't need to mind your business. He said it was zoned the way it was because of the Land Use Plan. He said it did not need to be changed. He said people could not make a left hand turn in that part of the county now. He said there would need to be some red lights long before there were openings cut onto McBride Road. He said he could not do it now and it was not safe. He said the schools and churches that were there now but there were schools and churches along the great plains of this country where there were ten people in a school. He said this was no reason to build an office part. He asked for the Board's consideration to deny this request and stick with the Land Use Plan.

Bob Cottrell, 155 Shamrock Drive, Fayetteville said he lived next door to Mr. Giordano. He said the commercial land that was there was not the same. He said churches and schools were a lot different from retail and offices. He said Mr. Reese was aware of the zoning for this and he also knew the plan for it and he was willing to bet just about whatever he has that Mr. Reese has a residential backup plan for this area. He said Mr. Reese had

purchased the property for an investment and he had to know that there would be a lot of opposition to this. He said he saw no reason why this property could not be used as residential if Mr. Reese would like to make his money that way.

Chairman Dunn asked if anyone else wanted to speak in opposition. Hearing none, he asked Mr. Reese if he wanted to rebut any of these comments.

Tom Reese remarked that first of all there was concern about the retention pond. He said it would have to meet all of the State E.P.D. requirements, the Federal E.P.A. requirements and the county's requirements. He said there would be a detention area on this property. He said the detention area did not back up against Mr. Giordano based on where his two lots were. He said Mr. Giordano's lots were to the North of the property. He commented on the first speaker and said he believed that person lived on the other side of McBride Road from this property. He said this was where the school detention facility was that backed up to her. He said they would have to have detention and that would be required on this plan just because of all of the mandatory requirements there. He commented on the perk test. He pointed out that there were two lots and one perked and the other did not. He said there was obviously a variation in the soils. He said they have had a level II or level III soil analysis done and these were the most complete one. He said there were good soils on this property and they had identified the soils. He said a soil engineer had already done the work to make sure that all of this perked and the system would all contain on the property. He said those issues had been addressed. He commented on the issue of two floors. He stated that the zoning would allow for more floors than that but he was looking at one to two floors. He said if homes were located here there could also be two and three floors.

Mr. Reese further commented that this was zoned agricultural but the truth of the matter was that schools were institutions and they have offices in them. He said churches were also institutions. He said for whatever reasons over the years this area had changed. He said this was reality and this was what was in this area right now. He said there was commercial located right in front of this property. He said even though it was zoned agricultural, the use was institutional. He said he did appreciate the respect that everyone has as they spoke tonight. He said he had tried to make sure that this project would blend in with the area that was already there from the commercial to the institutions. He said he did not feel that this would impact traffic a lot more than residential would. He said with the schools already located there, the traffic was already there. He said he travels that way most mornings and he was aware that there was a little delay coming up S.R. 85 but it did not take him more than three or four minutes longer than normal to get through that area. He said regardless of this project going in, the traffic would still be there.

Mr. Reese said he did not want another Riverdale either and that would be the furthest thing from his mind. He said this was the reason they had put the buffers in and why this area was suited for this project. He said he felt this area had changed over the years and that this project was very suitable for this area. He commented that office parks that were

located near residential were empty in the evening when people were at home. He said there would be less people around with the commercial than if the area was all residential. He said he appreciated everyone's feelings but he did feel like that this was the best use for this property. He said even though the project did not go exactly with the land use plan right now, that was the reason for this hearing. He asked for the Board's consideration in rezoning this property O-I.

Chairman Dunn asked for the Board's comments on this rezoning.

Commissioner VanLandingham remarked that it was very seldom that he disagreed with the zoning personnel but this was one time that he felt like they had missed some things that needed to be pointed out. He commented on the admission that this was not a good place to build houses. He said people would buy houses close to elementary schools but they did not want to buy houses next door to a high school. He said there was going to be a high school in two more years. He said in looking at the land use plan, the plan was constantly being updated because of the changes that occur in Fayette County. He said he saw this as nothing different. He said he would not buy a house in that area and would not look to buy a house located behind a service station and next to a high school. He said he agreed with Mr. Reese about traffic in that there was less traffic in an office park than in residential areas. He felt Mr. Reese' proposal was reasonable and he would like to make a motion.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve Petition No. 1133-04 with conditions, discussion followed.

Commissioner Frady said he agreed with some of the situations that Commissioner VanLandingham had mentioned. He said he knew he was going to disappoint a lot of people especially Scott Gilbert but he did not feel that this particular area was ever going to be residential. He felt the land use plan was outdated in that area and he had been trying to change it for some time so that property could be marked commercial and office where it was necessary. He said he was concerned about future city annexations and there was nothing that the county could do about it. He said he was concerned that something might go in that area that residents just absolutely could not live with. He said he felt that this project would not impact the schools although it might impact traffic somewhat. He said a step down zoning would be the best thing that could happen for this property. He said he just did not feel like people would build homes there and the land would just sit there. He said the property had already been put up for commercial once and he had voted against it. He said he would vote against commercial again. He said this was approximately seven or eight years ago. He said he did not feel like this Board would ever zone it commercial but at some point in time that may happen. He said the property could also be annexed. He felt this project was the best thing that could go on this property.

Commissioner VanLandingham said he had forgotten one thing in his motion and that was that he recommend the buffer to be increased to at least 40 feet and enhancements of some vegetation that would grow to a height that would hide the buildings.

Commissioner Pfeifer said he was opposed to this rezoning request. He said he had continually heard that schools damage a neighborhood. He stated that he could not agree with that position. He said when he grew up with schools being located near his home and currently he lived within sight of an elementary school that was surrounded 100% by residential. He said he did not agree that schools damage a neighborhood. He said having schools in a residential area make it more desirable for some people to live there. He said people have bought homes in this area and relied on a land use plan and current zoning and he was going to support that 100%.

Commissioner Wells said she agreed. She commented on the statement that this development was not that bad. She said she did not have any argument with it but it was not that good either if you were living there. She said she did not feel that the Board should trade not that bad for what was in the best interest of the people already living there. She said she agreed with Commissioner Pfeifer and said she did not have a problem with a school being located in residential. She said she did not feel that there were extenuating circumstances here to change this zoning. She said the area already had an existing viable zoning. She said just because she would not live on a corner did not mean that there was not somebody who was looking for that prime property. She said there was always somebody for some piece of property. She said to put this project on this property with the citizens already living there would be unfair for the Board to do. She said she could not support the motion either.

Chairman Dunn remarked that this was a difficult decision. He said the property owners have rights and the current residents also have rights. He said he knew Mr. Reese personally and he was a businessman of great reputation who builds first class facilities. He said no one on this Board could ever point to anything that Mr. Reese had not ever done well. He said the question was that regardless of how well this project would be done, did this project belong in this area. He said this was the question he had been struggling with. He said he agreed with the comments made by Commissioner Pfeifer regarding schools. He said one of the examples was the Starr's Mill complex. He said this used to be beautiful untouched land and then three schools went in. He said this was now the biggest school complex in the Southeast. He said right next door to the high school was the Chimneys Subdivision, MillPond Subdivision, Brecken Subdivision and others. He said residential areas were built and people have fought to get in these subdivisions to get close to the schools. He said there were also two subdivisions across the street that were contiguous to the Whitewater Middle School. He said he had a problem with the rationale that no residential would go in this area. He asked the Zoning Administrator to explain the zoning.

Zoning Administrator Aaron Wheeler remarked that this area was zoned A-R and there would be two to three acre lots.

Chairman Dunn commented that eight homes would be the most that would go in that area versus 20 businesses. He said they would not be commercial businesses but they would be businesses with parking lots and people coming and going all day long. He remarked to the comment that the county could earn more tax money on the property if this project was built there. He said that was correct but the county was not in the business of building a community based on how much tax money it would generate. He said he would have to agree with Commissioners Wells and Pfeifer in this case. He said he also believed that there were people who would buy homes there. He said there would only be a few of them which would retain the neighborhood in its current form. He said he would be unable to support this request but it was not because he did not feel that Mr. Reese would do a great job but because he did not see any compelling reasons to change the land use plan that the community relied on when buying property.

The motion failed 2-3 with Chairman Dunn, Commissioner Wells and Commissioner Pfeifer voting in opposition.

Chairman Dunn asked if there was another motion from the Board.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to deny Petition No. 1133-04. The motion carried 3-2 with Commissioner VanLandingham and Commissioner Frady voting in opposition. A copy of the Ordinance and Resolution denying Petition No. 1133-04, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2004-24 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE, ARTICLE III, DEFINITIONS, SECTION 3-43. FAMILY:

Director of Zoning Aaron Wheeler asked for the Board's consideration to approve proposed amendments to the Fayette County Zoning Ordinance, Article III. Definitions, Section 3-43. Family. He said the Planning Commission recommended approval as submitted (5-0).

Mr. Wheeler remarked that after review it was determined that the current definition was somewhat restrictive and staff was looking to relieve that restriction on this definition. He said currently as the definition stands it allowed for people who were related by blood or marriage or who were lawful wards of the States. He said staff was looking to amend that to include a group of not more than four persons who were not related by blood or marriage or were lawful wards of the States.

Commissioner Wells interjected that this would pertain to non profit and Mr. Wheeler agreed.

Chairman Dunn asked if anyone wished to speak in favor or in opposition to this change. Hearing none, he asked for the Board's pleasure in this matter.

Chairman Dunn asked Mr. Wheeler to read the current ordinance and then read what staff was recommended as the change.

Mr. Wheeler replied that the current definition stated that family was one or more persons occupying a single dwelling unit provided that all persons were related by blood or marriage or were lawful awards. He said staff was taking that and adding to it to say that "and shall also include a group of persons not exceeding four and living and cooking together as a single non profit housekeeping unit. He said the members of said group need not be related by blood or marriage or be lawful awards where said group was occupying a single dwelling unit."

Attorney McNally interjected that this change was precipitated by his office on review of the ordinances and was necessitated to bring the county ordinance in line with the Federal regulations relative to this type of home.

Commissioner VanLandingham asked if this was where the number four came from.

Attorney McNally replied that the number four comes from the lowest number that was defended in a Federal court. He said the number could go as low as four but if the county wanted to go higher it could be done. He said he felt it was defensible down to four.

Commissioner Frady said he was aware that this was based on the number of households currently in the county. He said this was for half-way houses and that type of thing where the government has set aside that these people cannot just live anywhere and do anything outside in the community that would distract the community. He said he was aware of one house that had six people in it and they were all females. He questioned if the number four could be raised and he suggested the number six. He said these particular females were always supervised and someone lived with them all of the time. He said this particular one was sponsored by his church. He felt six might be a better number.

Commissioner Wells felt two different issues were being discussed. She said if the discussion related to a half-way house then that was a different zoning and would have to meet different criteria from the word family.

Attorney McNally replied no. He said the Federal government has said that a unit of people who need each other were in essence a family and they define it as a family. He said this would fit in any zoning category because the idea was that those people be included in the community rather than excluded out to a commercial or industrial zoning.

Commissioner Wells said she wanted to talk about the Youth Protection Home. She asked the Board to assume that this was a family unit with children. She said that would be a different zoning from this particular zoning.

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Attorney McNally interjected no, it would not. He said the number would be whatever the Board decided whether it be four or six.

Commissioner VanLandingham asked how this could be done when some families have more than four members.

Commissioner Wells said this pertained to half-way houses or something of that nature. She asked Attorney McNally if staff had looked at what the county currently had to determine if this would place some facilities outside of this ordinance.

Attorney McNally responded that he did not believe that it would place them outside of the ordinance.

Mr. Wheeler said he knew of none currently existing that this would be burdensome on.

Chairman Dunn asked what would happen to the half-way house that Commissioner Frady was referring to that has six people.

Commissioner Wells remarked that half-way house was located in the City.

Commissioner Frady interjected no and said that half-way house was located in the county.

Chairman Dunn said that would mean that they were in violation of the ordinance.

Attorney McNally pointed out that those people were breaking the old ordinance.

Commissioner VanLandingham remarked that they would also be in violation of the new ordinance and Attorney McNally agreed.

Commissioner Frady said they would not be in violation because four was the minimum and not the maximum.

Commissioner Wells and Chairman Dunn remarked that it said four was the maximum.

Attorney McNally interjected that it was for four or less people.

Commissioner Frady felt there could be more.

Attorney McNally replied no, four was the maximum.

Commissioner Frady said the county could change the ordinance and make it more if it wanted to.

Attorney McNally said the Board could do that and now was its opportunity to do that if it so desired.

Commissioner Wells said the Board would have to look at this very carefully. She said there were a number of people who have a great deal of altruistic concerns about other people and were willing to support non-profit organizations, half-way houses and things of that nature. She said the Board would have to be very careful that in an altruistic understanding of that, that in every subdivision or community that half-way houses could suddenly start operating as a non-profit and have six or so people living next door and have it be perfectly acceptable. She said she lives in a neighborhood of basically older people and if a family of this nature with six children located in her neighborhood, it would be totally disruptive. She said it could be a half-way house for people getting out of prison or it could be drug rehabilitation or wayward children. She said she was not sure that she wanted this in a neighborhood.

Commissioner Frady said he did not have a problem with what Commissioner Wells was saying but he asked if the Board could do that.

Commissioner Wells asked if a half-way house comes under a different ordinance.

Attorney McNally replied no, it would not come under a different ordinance. She said one of the things that the Board must consider as far as what it permitted as the size of a family was that the unit was going to be living in a single-family residence and using a septic tank. He said there had been incidents where people had attempted to do this with larger numbers and there were problems. He said this was part of the reason that the size was kept down. He said statistics show that the average family in Fayette County usually runs somewhere between four and five with mother, father and children.

Commissioner Wells said the Board was not excluding blood family, adoptions, wards and things of that nature. She said this was strictly a non-profit organization.

Attorney McNally interjected that a boarding house could not be run.

Commissioner Wells agreed but stated that a half-way house could still be run for any of the number of situations that she had just quoted in any subdivision or community next door.

Attorney McNally remarked that was what the United States Government says.

Commissioner Wells felt the Board should be as circumspect as possible in order to protect the citizens. She said if four was the defensible number, she felt the Board would be remiss to increase it.

Commissioner Frady said this home was currently in operation and he had told them what the rule was and that it could be changed but he did not know if it would be changed. He said he did not know if this particular home could be grandfathered in until they get down to four people or not.

Attorney McNally pointed out that there was really five people in the family because there had to have one supervisor on the scene as well.

Chairman Dunn asked about ten people living in a house together that were not a non-profit and just trying to live there cheaply. He said they could say that they were just a big family. He said this happens in several surrounding communities here particularly with all of the building going on. He said there was a lot of migrant type workers who find their way into a house. He asked if the Board would call this a family.

Commissioner Wells said they would not be called a family under this ordinance.

Chairman Dunn asked if anyone wanted to change the number of four and no one said they wanted this figure changed.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve Amendments to the Fayette County Zoning Ordinance, Article III. Definitions, Section 3-43. Family. The motion carried 5-0. A copy of Ordinance No. 2004-24, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

BILL BECKWITH REAPPOINTED TO THE PLANNING COMMISSION:

Chairman Dunn said this item was for consideration of an appointment to the at-large seat on the Planning Commission currently held by Bill Beckwith.

Chairman Dunn remarked that Bill Beckwith was currently serving in this position.

On motion made by Commissioner Wells, seconded by Commissioner Frady to reappoint Bill Beckwith to the at-large seat on the Planning Commission for a three year term commencing on January 1, 2005 and expiring on December 31, 2007. The motion carried 5-0.

CONSIDERATION OF APPOINTMENT TO DISTRICT 3 POST ON THE PLANNING COMMISSION TO REPLACE BOB HARBISON WHO IS RETIRING AND RELOCATING:

Chairman Dunn remarked that there was no replacement ready for nomination tonight.

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It was the consensus of the Board to table this item to the January 5, 2005 Commissioners' meeting.

TOM MAHON REAPPOINTED TO THE ZONING BOARD OF APPEALS:

Chairman Dunn remarked that Tom Mahon was currently serving in this position.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to reappoint Tom Mahon to the at-large seat on the Zoning Board of Appeals for a three year term commencing on January 1, 2005 and expiring on December 31, 2007. The motion carried 5-0.

LARRY BLANKS REAPPOINTED TO THE ZONING BOARD OF APPEALS:

Chairman Dunn remarked that Larry Blanks was currently serving in this position.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to reappoint Larry Blanks to the at-large seat on the Zoning Board of Appeals for a three year term commencing on January 1, 2005 and expiring on December 31, 2007. The motion carried 5-0.

RON MABRA REAPPOINTED TO THE ZONING BOARD OF APPEALS:

Chairman Dunn remarked that Ron Mabra was currently serving in this position.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to reappoint Ron Mabra to the at-large seat on the Zoning Board of Appeals for a three year term commencing on January 1, 2005 and expiring on December 31, 2007. The motion carried 5-0.

DISCUSSION BY COMMISSIONER VANLANDINGHAM REGARDING THE COUNTY'S ADMINISTRATION OF THE FAMILY MEDICAL LEAVE ACT (FMLA):

Commissioner VanLandingham said he had recently discovered that when county employees become sick that after three days they were automatically placed on family leave. He said at the same time the employees were using their family leave they were also using their vacation and their sick leave. He said he would like to see this policy changed to the position where they exhaust their leave time and their sick leave before they were placed on family emergency leave. He said he would like to make a motion to that effect.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to amend the County's policy regarding administration of the Family Medical Leave Act (FMLA), discussion followed.

Commissioner Wells felt the Board needed to look at a couple of issues. She said one was that the county was not conducting business as the private and public sectors conduct

business. She said if a long time employee got ill and they has to use their vacation time which could be 18 days and 60 days sick time. She said conceivable an employee could be out 78 days. She said the employee might be in a critical job position. She said then family leave would be added which would be 12 weeks. She said conceivable this employee could be out half of the year or more and be in a very viable position. She said there might be a great deal of difficulty in running the county with this employee being out of the office. She said it would not have to be someone who was in a very critical position but it could put a burden on the remaining employees who would have to carry on in the employee's absence. She said the county has a very generous vacation as well as sick leave. She said the employees who were taking the sick leave and the family medical leave at the same time were drawing their current pay. She said there was a very generous health and wellness plan. She felt for the county to extend this to this level would put a tremendous burden on the county's work force and the county's budgetary situation. She felt this was not a practical way for the Board to conduct the county's business. She said she was opposed to this.

Commissioner Frady said the Board did not always agree with the private sector.

Commissioner Wells agreed but felt the Board needed to be very judicious with taxpayers' dollars and that was who the Board was ultimately accountable to.

Commissioner Frady agreed and felt charging two days for one was somewhat unreasonable. He felt a lot of the critical personnel had a lot of staff who would be able to cover in their absence.

Commissioner Wells said that was not the point. She said it would be a strain on the department.

Commissioner Frady asked Commissioner Pfeifer how long he had been out with his illness last year.

Commissioner Pfeifer replied he was out approximately six months.

Commissioner Frady interjected that the Board made out just fine in his absence.

Commissioner Pfeifer remarked that in his private sector job he had to use up his vacation and sick time. He said he had a disability policy that he paid for that went into effect.

Commissioner Frady asked Commissioner Pfeifer if he used family leave and Commissioner Pfeifer replied yes.

Commissioner Pfeifer replied that first he used his sick time, then vacation time and then he went on family leave.

Commissioner Pfeifer said he had a short term disability policy. He said his company had not paid him beyond his sick time and vacation time.

Commissioner Wells pointed out that the county also provided short term and long term disability to employees.

Commissioner Pfeifer interjected that disability policies were worth every penny that goes into them.

Human Resources Director Connie Boehnke remarked that an employee would be paid the balance of sick and vacation time with a maximum of 60 days for sick leave and approximately 21 days was the maximum for vacation. She said after the 45th or 90th day if the employee had short term disability the employee would receive compensation after that. She said the employee would have to pay for a short term disability policy and the county pays for the long term disability.

Chairman Dunn said if an employee had an illness and they had sick leave accrued and vacation accrued totaling one month and they used it all. He said they would still have the Family Medical Leave Act up to twelve weeks. He said from the time the employee finishes the accrued days until the time they finish the twelve weeks they would not be paid but they would be covered with benefits.

Commissioner Wells said the employee would be covered with benefits and the county would hold their job for them.

Chairman Dunn said if the employee had the foresight to have short term disability there were ways to declare them permanently disabled and they would be paid for the rest of their life if they had the right insurance.

Commissioner Frady asked if the county furnished an employee with benefits throughout the entire process if they took six months off.

Ms. Boehnke replied the benefits went through the twelve weeks.

Commissioner VanLandingham said it was previously mentioned that the county was responsible to its taxpayers. He said he agreed with that statement. He remarked that the county was also looking at the possibility of losing personnel through this very issue that was being discussed now. He said if the county loses these people and then has to go out and hire others and retain them, then he felt the Board was being remiss in being responsible to the taxpayers. He felt there was a two sided coin and the Board needed to look at both sides. He said this could be used to retain experienced people. He felt there was something to be said about that. He felt the cost that was being projected on past performances would be somewhere around \$10,000 to \$12,000 a year. He said the

question was if an employee had to be out six months would the county want that person back or would it want to hire somebody new and have to train them.

Commissioner Wells said the Board would have to be careful. She said the thought process in the community often has been that if someone had a government job they would have greater benefits than anywhere else. She said the Board must be responsible with the way that this was done. She felt it would put a burden on the staff to hold a position open for six months. She said the Board was just assuming that this was one person but it could be several people at one time. She stated that there were some employees who would take advantage of this situation in a heart beat.

Commissioner Frady said the county could get rid of those employees.

Commissioner Wells said the county could not do that. She said these employees would be on disability and sick leave. She said this was an issue that would have to be weighed and be what was best for everyone. She said there were always exceptions for unique individuals but the Board would have to look at what was best for everyone. She felt this would be a tremendous burden.

Commissioner Frady said he did not feel it would be a tremendous burden. He felt it was unfair if the county gave employees time and charged them one family leave day and one sick leave day for every day.

Chairman Dunn said one of the things that the county was doing well was following precisely the requirements of the Federal law. He said the county was not short changing anyone in any way. He said the other issue the Board had looked at was what the other jurisdictions in the area do. He said all of these jurisdictions have a system that runs these concurrently. He said Fayette County was obeying the law and was also consistent with everyone in the region who runs a government. He said the only difference between Fayette County and one or two of the other jurisdictions was that the county's begins after three days and others begin at ten days. He felt the county was right on where it was supposed to be. He said the county had every program that it should have and also have them easily accessible. He said when he looked into this he found that some of the county employees did not have short term disability. He said this was very inexpensive and this was very disturbing to him. He felt the county needed to work harder at showing the employees the benefits of doing that. He gave Commissioner Pfeifer's medical situation as an example. He said after all of the paid time runs out a person could lose a lot of money over time. He said this would only cost an employee a few dollars each week out of their paycheck. He said it would be nice if the county could hold everybody's job indefinitely but this could not be done. He said this could really a strain in an office with only two people working there.

Commissioner Wells pointed out that there were a lot of senior employees who have a lot of seniority.

Chairman Dunn said he also wanted to point out a fact that he had discovered the other day. He said while an employee was using up the accrued leave they were also earning leave and vacation time. He said an employee would get approximately one additional week because of that accrual. He said this comes out to a long period of time that the county would hold the job for them. He said if the county agreed with Commissioner VanLandingham's suggestion, the time that an employee would be off would almost double. He said the county would probably have to hire someone for a job and then have a problem when the employee finally came back to work after being off.

Ms. Boehnke interjected that employees do continue to accrue time while they were being compensated for vacation and sick leave.

Chairman Dunn said he did not want anybody to misunderstand that the county was complying completely with the requirements of the program and Ms. Boehnke agreed.

Commissioner Wells remarked that the short term disability was not an expensive process and comes out to just a few pennies each week. She said if employees did not avail themselves to the disability coverage this would be a gamble that might turn out to be expensive for them.

Commissioner Frady asked Ms. Boehnke what kind of record she had with employees being out one or two months.

Ms. Boehnke responded she was aware of the applications for leave that they had received this year but she would have to go back and research each individual case to see exactly how many hours they took.

Chairman Dunn asked Ms. Boehnke how many cases there had been this year.

Ms. Boehnke replied that to date they had received 123 applications for 2004.

Chairman Dunn said that was 123 applications out of a 700 employee work force.

Commissioner Wells interjected that this could get burdensome.

Commissioner Frady asked Ms. Boehnke what the average time off was for an employee.

Ms. Boehnke responded that she did not have the average time off.

Chairman Dunn pointed out that out of the 123 applications some requests might have only been for three days off.

Commissioner Frady asked if these applications were for employees who were out of sick time and vacation time.

Ms. Boehnke remarked that these applications might be for a short period of time or a long period of time. She gave as an example that most maternity cases take the entire twelve weeks off. She said they also had intermittent time off for treatment cases. She said it was really hard to put a number on that. She said she could get this information for the Board but each case would have to be reviewed individually.

Chairman Dunn asked Ms. Boehnke how many people she could recall in the last year or two who have used the entire twelve weeks under the Federal law.

Ms. Boehnke replied three or four employees.

The motion failed 2-3 with Chairman Dunn, Commissioner Wells and Commissioner Pfeifer voting in opposition.

CONSIDERATION OF AGREEMENT WITH THE PUBLIC DEFENDER'S OFFICE TO PROVIDE INDIGENT DEFENSE SERVICES:

Chairman Dunn said an agreement had been sent to the Commission and it had been reworked and had not been finalized.

It was the consensus of the Board to table this item to the January 5, 2005 Commissioners' meeting.

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

SSFW LANDSCAPE MANAGEMENT - AWARDED BID FOR GRASS MOWING AT BROOKS PARK AND KIWANIS PARK AND SIG FACILITY MANAGEMENT AWARDED BID FOR GRASS MOWING AT MCCURRY PARK: Approval of request from Director of Purchasing Tim Jones to award bid to low bidder SSFW Landscape Management for grass mowing at Brooks Park in the amount of \$1,122.50 per month and mowing at Kiwanis Park in the amount of \$2,243.75 per month and award bid to low bidder SIG Facility Management for grass mowing at McCurry Park in the amount of \$1,950 per month. A copy of the memorandum, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

TAX ASSESSOR'S OFFICE - ABATEMENT OF TAXES: Approval of request from Chief Tax Assessor Ellen Mills to approve abatement of taxes for assets or real estate for properties that are either not taxable or are duplicated. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

FIRE AND EMERGENCY SERVICES - GRANT REQUEST FOR ADDITIONAL EMERGENCY WARNING SIRENS: Approval of request from Chief Jack Krakeel of Fire and Emergency Services for authorization to submit a grant request to the Georgia Emergency Management Agency for funding to assist the county in acquisition of additional emergency warning sirens. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

WATER SYSTEM - FLYER APPROVED IN PEACHTREE CITY RESIDENTS' WATER BILLS: Approval of request from Water System Director Tony Parrott to approve a request from the Peachtree City Park and Recreation Department to place a flyer in Peachtree City residents' water bills regarding a needs assessment survey. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

GEORGIA DEPARTMENT OF NATURAL RESOURCES - REIMBURSEMENT FROM THE HAZARDOUS WASTE TRUST FUND: Approval of Agreement with Georgia Department of Natural Resources for reimbursement from the Hazardous Waste Trust Fund in the amount of \$87,469. A copy of the memorandum and agreement, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on November 18, 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.

There was no public comment.

STAFF REPORTS:

DISCUSSION OF A SENIOR CENTER: Commissioner VanLandingham said there had been discussion of a senior center for over a year. He said the Board members had talked about this among themselves and discussed the pros and cons. He felt it was time that the Board went on record as to what its intentions were. He said he wanted to propose that the Board either commit or not commit tonight to a senior center.

Commissioner Wells interjected that she and Commissioner VanLandingham had previously had a conversation about this and Commissioner VanLandingham had agreed not to bring this item up until after the first of the year.

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Commissioner VanLandingham replied that he did not remember saying that. He said he was asked about three days ago if he was going to bring up this item and he replied yes he was.

Commissioner Wells said they had talked last week wherein she told Commissioner VanLandingham that she preferred not to bring up this subject until after the first of the year and Commissioner VanLandingham had replied that he agreed.

Chairman Dunn asked if Commissioner VanLandingham had made a motion.

Commissioner VanLandingham responded yes, he would turn that statement into a motion.

Commissioner Frady asked for clarification of the motion.

On motion made by Commissioner VanLandingham, seconded by Chairman Dunn that the Board commit its assistance to the building of a senior services recreation center, discussion followed.

Commissioner Frady said if anyone asked him if he wanted to help the senior citizens then he would say yes he did.

Commissioner Wells said if anyone wanted to ask if the county had already been helping the senior citizens then the answer was yes. She said the county had been giving them \$105,000 a year for meals on wheels and another \$25,000 a year for their building fund; giving them the facility at no cost and maintaining it; and doing other things. She said to make a blanket statement of that nature without anymore specifics would make it hard to support that without some more clarity.

Commissioner Frady said he had some numbers and Commissioner Wells said she also had some numbers too.

Chairman Dunn said providing help to the senior center required definition. He said if Commissioner VanLandingham was talking about constructing them a building then he understood what he meant. He said the county always helped them.

Commissioner VanLandingham remarked that he had said it was to build a senior recreation center.

Commissioner Frady said he might want to help build them a senior center.

Chairman Dunn asked Commissioner VanLandingham to clarify his motion.

On motion made by Commissioner VanLandingham, seconded by Chairman Dunn that the Board vote to support the construction of a senior services recreation center, discussion followed.

Chairman Dunn asked if the county was going to construct a center for the seniors to congregate in for the purpose of recreational purposes.

Commissioner Wells said this was the problem. She said there were a number of issues here. She said she was not prepared to discuss this tonight and she did not have all of her facts and figures here. She remarked that there were a number of issues such as (1) the Board not knowing the cost of what it was committing to. She said the last number that she had heard was that the seniors wanted was a little over \$3 million to build the facility. She questioned if there had been a study that the facility was what was needed for the number of citizens in Fayette County. She said from what she had seen on the website, they have their plans which are very rudimentary at this point in time, four different sections. She asked why couldn't they do what the county does now and decide what was needed now and build the first pod and then build the second and third pod. She said another problem was that they were a non profit organization. She said she had no problem with the senior services coming under the auspices of the county and being a county department so that the county could consider their budget with the county's budget and hold them to the same level of responsibility that department heads were held to. She said if Chief Krakeel approached the Board and said that he wanted to build a \$3 million facility, the Board would give him a hard time. She said the Board would want to know who, what, when, where and what kind of studies had been done. She said the Board holds everybody to that level of accountability and yet there was a non profit organization that said they wanted the county to help them build a \$3 million facility and none of these questions had been asked. She said the Board had not done its due diligence to give a blanket comment that the county would help the seniors build this facility.

Commissioner Frady remarked that this issue had started during the Board's retreat and Chairman Dunn had made a comment that he would like to do this. He felt the Board needed to get facts and figures together and ask staff tonight to get further information. He said he had received information that there might be some problems in funding this center. He said he needed to know how much money the senior services had on hand.

Commissioner Wells replied that from the latest numbers that she had received senior services had approximately \$500,000 in cash. She said the rest of it was in kind, property and things of that nature.

Commissioner Frady remarked that he thought they had approximately \$700,000.

Chairman Dunn interjected that it was well over \$700,000.

Commissioner Wells questioned that statement. She said according to Andy Carden it was \$500,000.

Chairman Dunn and Commissioner Frady interjected that it was more than that.

County Administrator Chris Cofty said he could not say for sure. He said he had previously had a discussion with Mr. Carden and he had indicated that the Board needed to consider the furniture and fixtures in the building and he was probably going to ask for approximately \$250,000 additional to do that.

Chairman Dunn felt this needed to be set in context. He said first of all the senior center had been trying to raise money for almost three years now to build a facility that three and a half to four years ago it was estimated at costing \$2.5 million and now it was estimated at \$2.9 million because of inflation. He said in the recent documentation he had confirmed with Andy Carden that their intention was to turn over to the county \$788,000 plus a piece of property worth \$75,000 and there was another \$50,000 grant from the State government that was already in the account. He said this would bring the amount of over \$900,000. He said he did not see this as giving money to the senior center. He said he saw this as the Board making a decision to build a building in which that function would be performed and they would be donating all of the money that they picked up to the county to help build the building. He said the county would have to put approximately \$2 million into the project and there was no doubt about it. He said the question there becomes if the county should do that. He said the Board was not making a donation to them at all. He stated the county would build the building and perform a necessary function of government. He said it was his suggestion to do exactly what was done now and that was to contract with the senior services board to perform the service for the county rather than with county employees. He said if there were county employees it would grow more expensive over time.

Commissioner Wells asked to assume that everything Chairman Dunn had said was correct. She said the Board was assuming based upon a study that was done three or four years ago what the cost of the building would be.

Chairman Dunn said the study had been updated this year.

Commissioner Wells asked if there had been any type of study to say what was needed to meet the seniors' needs versus what the seniors wanted. She said she had no problem with a non profit organization saying that this was the facility that they wanted to build and then building it. She said she had a problem with them coming and saying that this was the building that they wanted to build and ask the county to pay for it. She said if the Board was going to find \$2 million, then the Board needed to make sure that the money was judiciously spent. She said for the Board to say that it was going to build this facility would be assuming that the county would be building a \$3 million facility.

Commissioner Frady said nothing would be done until this was investigated further.

Commissioner Wells remarked that the motion was that the county was going to build them that facility.

Commissioner VanLandingham said he had said it would be to build them a facility and not that facility.

Chairman Dunn said the motion was for a senior center.

Commissioner Wells said until the Board had all of the facts how could it say this was what was going to be done.

Chairman Dunn said there had been a discussion and four of the Board members agreed that they thought it was a good idea to do this. He said Commissioner Wells was not present at the discussion during the retreat.

Commissioner Frady said for the Board to say that they were going to get a new building and then give them the money was just not going to happen.

Chairman Dunn felt it was important to note that the county had a capital improvement program and this center would go right into it and would be scrutinized during the county's budget cycle. He said all the Board was trying to do right now was to get a commitment that something was going to be done. He felt the county was in a bind and noted that the current senior program was being held in a 1905 building. He said the county had no choice but to run a program and he did not feel that the current building was going to last that much longer. He said this would be a county building.

Commissioner Wells said she would be much more comfortable with a motion that said the county would develop a group, a study or an evaluation of the needs and what the Board would decide to do to meet those needs. She felt for the Board to say that it would build the seniors a recreation center would leave the county open to so much speculation and ambiguity. She said the current numbers did not even support it. She said she had previously asked Commissioner VanLandingham what the numbers were. She asked if anyone knew how many people currently used the senior services center. She said from the numbers she was getting that figure was 60 people on a regular basis. She said the plans to build the center consisted of 22,000 square feet. She said that was one third of the administrative complex. She said if the \$3 million center was built it would come to \$136 per square foot. She commented that the county had already given the seniors the land. She said one third of the building was designated for administration. She remarked that two of the proposed areas of the facility on their website were for party rooms. She said no one had sat down and asked for the numbers. She remarked that if 17% of Fayette County's population was seniors or 17,000 people, not all of these people would use the facility. She said 880 people in Fayette County had Alzheimers. She questioned how many people were in extended care. She said no one had sat down and asked what was the need and how would the county meet the needs. She said for the Board to say that this

should go on record that the county was going to build a senior recreation center was negligent. She said the county might need to build more than that or something other than that. She said if a department head were to come before the Board right now and ask for money, the Board would tell that department head that they would have to wait until budget time. She said the Board would ask for the plans and the details. She said she keeps hearing from the Chairman that the county needs to provide services for seniors. She said the county was already doing that. She said the Board needed to evaluate how much more needed to be done. She said the county was already doing recreation and already adding to it. She said she was not opposed to senior services but was opposed to the Board entering into a \$3 million agreement and not having done any homework. She felt this was irresponsible.

Commissioner Frady remarked that it would just be \$2 million and the irresponsibility would not be there because the Board was not going to do it the way Commissioner Wells said.

Chairman Dunn said the Board makes many commitments in the county's capital program. He gave as an example the county committing to building a new firehouse. He said the county did not know the specifications when the Board commits to building a new firehouse. He said the Board commits to building one and then works out all of the details of the size, location and so forth. He said a lot of this work had already been done by the seniors. He said the plans that they would include giving the county cost them \$146,000 of design work, engineering and also some prep of the site. He said these things had already been done and paid for. He said the county would not have to do those things but they would have to be scrutinized and determine if they meet with the county's specifications. He said he was totally committed to getting a facility built because the one they were in now was outrageous and was probably not going to last that much longer. He said this needed to be put under the same scrutiny that the Board does with everything else.

Commissioner Frady remarked that there was \$11,400,000 in this one particular fund that was being talked about less expenditures necessary there was \$10,360,000. He said if the top floor of the judicial center was finished that would cost approximately \$7 million.

Chairman Dunn pointed out that completion of the second floor in the judicial center was probably fifteen years away.

Commissioner Frady said the county would still have to have the money. He said if 2% inflation was used it would be \$140,000 per year for ten years and that would come to \$1.4 million. He said the county could wind up with considerably less than \$2 million.

Commissioner Wells said she was told that some money had been found to use for this project. She said that money was coming from the funding for the judicial system. She said the judicial complex and the jail were not completed. She felt for the Board to take that \$2 million and then give it to the taxpayers and saying that the Board was making a contribution on their behalf was premature. She said when the senior organization was

having their fundraiser for the last three years every person in the county got the opportunity to donate to that charity. She said when they donated to that charity they could take it off their taxes. She said now the Board as a government was saying that it had decided that this charity had gotten favored status. She said she was not knocking senior services. She said regardless of the non profit organization, it would be the same issue. She said the Board was now saying that it would be taking taxpayers' money and put it in a facility and they would be unable to take that off their taxes.

Commissioner Frady said people would continue to donate to the senior citizens for their tax write off and should this come to fruition it would be maintained and run by the seniors from those contributions.

Commissioner Wells agreed and said it would be run with those contributions after the county had built them a \$3 million facility.

Chairman Dunn remarked that the seniors were currently in a county building and the county provides the maintenance in that building and the land that it was sitting on to have them perform that function. He said the Board had signed an agreement with the seniors to perform the function instead of the county doing it by itself. He said he believed the proposal here was to simply build a new county building and move them into a new county building instead of the old building that was going to fall in on top of them one of these days. He said because the seniors were diligent enough to try and collect money for a building fund they have \$1 million or so to contribute to the county to build the new county building. He said the Board had a function here that it must perform. He said the Board did not have a choice in performing senior services. He stated it was also going to be the largest growing demographic in the county for the next twenty years. He said the county would have to have more facility to work in than the current one. He said a lot of the usage at the current facility was not as good as it should be was based on the fact that the building was so small and could not accommodate very many people. He said there were things that the county should be providing to the seniors that they were not getting at the current facility.

Commissioner Wells said she did not have a problem with providing those for seniors if this would become a county department.

Chairman Dunn said that would cost the taxpayers a lot more money. He said the county would have to pay all of the salaries and benefits.

Commissioner Frady said the county would also have to maintain the building.

Commissioner Wells said the Board would be looking at this budget on a regular basis. She said Chairman Dunn kept saying that this was the county's responsibility to provide for seniors and she agreed but remarked that the county was already providing for them. She said the question was at what level the county would provide. She said there were already

recreation services for seniors. She said the recreation personnel go over to the senior services facility every Thursday and do exercises with them. She said she was told that they would do a lot more for seniors but felt they might be "stepping on their toes" and as a non-profit they did not want to interfere with their program.

Commissioner Wells further remarked that at Lake Horton the county had just built nine adult lots. She said these were all designed with the seniors in mind. She said these were places where seniors could go and do passive exercise, walking and things that were conducive to various age groups. She said there were arts and crafts for the seniors under recreation. She said there were also day trips as well as weekend trips for the seniors. She said the county pays \$105,000 each year for 140 meals on wheels and also provides the maintenance. She remarked that the county was doing things for the seniors. She asked how much further the county should take this. She pointed out that there were 155 non profit organizations in Fayette County. She asked how the county would turn to the next non profit organization that comes before the Board and says they are working with disabled adults and they have needs and cannot help themselves. She said the county was not a social services organization.

Chairman Dunn said that Commissioner Wells was looking at the county's function that it must perform for seniors as donating to a non profit. He said this was not correct. He said the county was building a county building and contracting with a non profit to perform the service instead of hiring a lot more people that the taxpayers would have to pay for.

Commissioner Frady asked if the county did this for the Department of Family and Children Services.

Chairman Dunn replied no and commented that the Department of Family and Children Services was a State program. He said the county would not build a building for a State program.

Commissioner Wells said it was her point that the county would be scrutinizing their plans that they had already spent \$145,000 on. She said these plans were for a 22,000 square foot facility for exclusive use of the seniors. She stated that the seniors were currently having 60 people on a regular basis at their center but she was also aware that this figure would increase. She said they would want that facility to provide 240 meals on wheels when this was built out. She said many of the counties in the Atlanta Regional Commission were contracting out the meals on wheels. She said Fayette County could do the same thing.

Chairman Dunn said the county currently contracts out the meals on wheels.

Commissioner Wells said the county could do this in a different fashion.

Commissioner Frady asked if there were 60 people every day from Fayette County going to the current center.

Commissioner Wells responded there are 60 people on a regular basis was the figure she had gotten.

Carol Chandler interjected that 60 was the average daily attendance at the center.

Commissioner Pfeifer remarked that he was in support of replacing the current building with a new building. He said he did agree with Commissioner Wells that the Board did have a lot of homework that needed to be done before it could make that kind of commitment regarding how it would look, how it would operate and how much the county would spend on it. He said he would like to go on record and say that he did want to replace the current building with a new building.

Commissioner VanLandingham said he had talked with several of the Board members as well as Andy Carden. He said they were aware of the fact that the Board would be scrutinizing the building and look at it in a manner that could be afforded. He said he did not feel that they expected the Board to have this built to the exact specifications that they want. He said the county spends and has spent millions of dollars on its young people. He said that money was also going to a non profit organization such as Lightning Soccer. He felt it was time that the Board look at the senior citizens and provide a facility for them that was adequate and enhancing to their program. He said he felt this was what the county needed to do. He felt there were a lot of details that would need to be worked out and will be worked out before money was put into the project. He said he did not think the government needed to take care of every situation but this was a service that the county was bound to do. He felt to do it in a lesser degree than what was proposed would not be good for the seniors' program. He felt the 60 people using the current center would grow if there were facilities adequate to accommodate them. He said he had no problem with this whatsoever.

Commissioner Wells said she thought this was a slippery slope. She felt this needed to be recorded in history because the county was starting down a route that she felt was going to be injurious to the county. She said the county had maintained a certain standard in this county and had been very judicious with tax dollars. She said this was just the beginning. She said the Board had already been approached for other things and one of them was an education building here for Clayton State. She said the Board had already been approached by one of the non profits to help them with a rehab center as well as a number of other organizations one being disabled adults. She said this county was starting down a slippery slope where the Board of Commissioners needed to decide if they were Democrats or Republicans. She asked if the Board was going to be all things to all people under the guise of government. She said if the county was all things to all people, citizens tax dollars would go up. She said the Board needed to be very aware of that. She said if the citizens wanted their tax dollars to go up, then that was wonderful. She said from her

understanding this was not what she was elected for nor what the other Commissioners were elected for. She said this Board was elected to be judicious with tax dollars. She said the county had just passed a S.P.L.O.S.T. She said a lot of people said they were reluctant to vote for a S.P.L.O.S.T. because the very minute the government starts putting a tax on its citizens, it never goes away. She said the S.P.L.O.S.T. was passed for roads and now all of a sudden, there was talk about helping the senior services. She said this had nothing to do with seniors. She said it was a non profit organization that the county was going to build a building for. She said the Board may say that it was going to scrutinize their plans but the county would pretty well let them direct it and that building was going to turn out to be a very expensive proposition for the exclusive use of one group. She said this was a slippery slope. She said the Board might scrutinize it but she kept hearing that the Board would have the seniors input. She asked everyone to mark this and stated that this would be an expensive facility. She said this was a bad day for Fayette County.

Commissioner Frady remarked on Commissioner Wells' comment about raising taxes to build this center. He said he as well as Commissioner Wells had been on the Board for twelve years and he questioned how many times taxes had been raised on a millage rate.

Commissioner Wells responded and agreed that taxes had not been raised on a millage rate because this type of thing had never been done.

Commissioner Frady interjected that the taxes had been raised only once.

Commissioner Wells said this was the reason she felt the county was going down a slippery slope.

Commissioner Frady remarked when the judicial complex was built the taxes were raised to 1.35 mills to raise the money for that complex.

Commissioner Wells interjected that the county had \$12 million from that facility in the bank right now. She said this was the money that the county was going to be shifting. She said that \$12 million could be used for other things.

Chairman Dunn said that \$12 million could not be used for other things.

Commissioner Frady said the money would be used for what it was going to be used for.

Chairman Dunn said he took exception to some of the things that Commissioner Wells said. He felt the Board members were all good Republicans. He said the Board was not going to be making a donation to a non profit. He said if what he was suggesting that the county do in the future was wrong, then something wrong had been done for 25 years. He said the current senior building had to be replaced but the way the county provided services did not have to be replaced. He said the Board was not giving money to this group but was

building a county building to perform a county service for citizens in Fayette County who also pay taxes.

Commissioner Wells said the county would be building a building on the senior organization's behalf and their plans.

Chairman Dunn said the building would belong to the county. He said if the building was not used properly or the county wanted to cut the programs back in the future, then the building could be used for whatever the county needed it to be used for. He said to just say that the Board was just going to make donations to people who would run off and do what they wanted with taxpayers' money was not accurate. He said he did not feel that anybody who had supported the idea of this happening envision anybody else but the five members of the Board being in charge of how this proceeds.

Commissioner Wells asked if anyone had looked at taking the \$1 million that they had and looking at some of the existing buildings that were standing vacant in this community and having that money used there versus the county coming in and spending all of the money on a new building. She asked what was wrong with the seniors taking the \$1 million and using it on an existing building and refurbishing it and leasing it. She said then the county could continue giving the seniors the \$105,000 a year for meals for wheels and also continue the \$25,000 each year.

Chairman Dunn said that money was for a building fund.

Commissioner Wells said the Board could shift those funds to maintenance. She asked what was keeping the Board from doing that. She said she was not saying that the Board should cut the seniors off but she was saying that the Board needed to be judicious in what was being decided. She said the motion tonight was for the county to build the seniors the recreation center. She said the Board had not looked at the other options. She said the other options were that the seniors had investments of approximately \$1 million. She asked why could not some of the existing facilities be renovated. She asked why it must be government's responsibility to build that building for them. She said the county continue to provide them with the support that was currently being provided but the Board did not have to be the cash cow.

Chairman Dunn said one of the things that concerned him was that all five of the Board members were cost conscious and had been very conservative with taxpayers' money. He said he saw this as a cheaper way to provide the service over time. He said there were currently twelve employees at the center now. He said if the county took on those twelve employees, it would probably cost the county approximately \$600,000 a year for just benefits and salary. He said they would probably be higher salaries if they worked for the government than working for a non profit organization. He said that was \$600,000 a year that the county did not have to pay now. He said the county could get a building built and have them pay one-third of it and it would be a building that the county would own in

perpetuity and could use if things changed over time. He said if the senior board ever went out of business, then later on the county might have to hire people and there would already be a building there to perform the service in. He said it would be cheaper for the taxpayers over time to provide this service through using a non profit to contract with rather than the county performing the service itself.

Commissioner Wells remarked that it could be cheaper over time for the seniors to take the \$1 million and lease the building and the county continue to provide the support that it currently was providing. She said this had not been explored.

Chairman Dunn said the only problem that he had with that scenario was if the seniors could no longer continue to operate as a non profit then the county would have to do it all. He said this way the county would be in sort of a partnership on helping the center get built plus the county would not have the day to day management of the problem.

Commissioner Wells said if the seniors leased the building, the county would not have any of those responsibilities and they would still be provided with the same level of support that they are currently receiving.

Chairman Dunn said he liked the fact that the county would own the building.

Commissioner Frady said there was currently a motion on the floor but it would have to be changed. He said he would like the motion to say that the Board continue with this process with the intent that the county would help the seniors build a building if possible and he felt it was possible but to determine what size building would be built and how much money would be spent. He felt to say that the county was just going to build a building was somewhat open ended. He said the Board needed to make some commitment to do it but the Board needed to find out some facts before it was done. He said this motion would just start the ball rolling rather than the Board just saying that it was going to build a building and then be obligated to build a building whether the county could afford it or not.

Chairman Dunn said when the Board left the retreat there were four Board members agreeing that there was support for this and get this done somehow. He said the facts and figures had not been put together but the seniors had already done a lot in furtherance of this issue that the Board could take advantage of.

Commissioner Frady said the county engineers needed to review this and go over it with the Board.

Chairman Dunn remarked that one of the things that was also functional was the fact that they were going to be on the 66 acre site over there and when the courthouse and jail were built, one of the things that occurred was that they were informed that they would have to do an architecturally compatible design to the buildings on the site now. He said the seniors had hired somebody to do this. He said Jim Mallett of Mallett & Associates was

hired as a civil engineer to make sure that all of the drawings were going to be compatible to what the county would need to be built on that site. He said an awful lot of what the seniors had already done has been to comply with what they believe were the county's standards in the first place. He said the seniors wanted to build a senior center that would service Fayette County to its build out in the same way that the courthouse and jail were built. He said there was a lot of really good work that had already been done. He said he hoped this discussion did not sound like the seniors were trying to get over on the Board. He said that was certainly not the reality of the situation. He said the seniors had been working very, very hard to provide the services to the seniors of the county and he felt the county needed to step in and get a building built. He said it was as simple as that. He felt this was the best way to take advantage of all the work that had gone into it before and in the future he did not want to have to hire that many more county employees. He said the county would not have to pay non profit employees if the county contracts with the non profit to provide the service.

Commissioner Frady remarked that benefits were 40% of salaries.

Chairman Dunn said the services would be the same but there needed to be a new building to provide the services in. He said this would be very expensive to hire people and make this a county project. He said Fayette County was the only county right now in the metro area of Atlanta who has a non profit involved with providing this service.

Commissioner Wells interjected that this was not true. She said there were two counties.

Chairman Dunn responded no, that DeKalb County had gone out of this last year.

Commissioner Wells remarked that there were two counties and she had called and talked to them.

Chairman Dunn remarked that he works on this at the Atlanta Regional Commission. He said Commissioner Wells might be calling outside of the A.R.C. area.

Commissioner Wells said no it was in the A.R.C. area.

Chairman Dunn stated that there was only one county. He said there was two counties until last year.

Commissioner Frady asked if the Board could make a motion that would be a little bit more in the direction of doing this and continuing it. He said he was not sure that the Board could make a motion to be a little bit more in the direction of doing this. He said he was not sure the Board could make a motion to build a building. He said the Board was not saying that the county was going to build a 100 square feet or 10,000 square feet facility.

Chairman Dunn said he was not in any way saying that the county would put a few million dollars on the table and let the seniors do what they wanted. He said this Board had never done anything like that.

Commissioner VanLandingham said the seniors certainly did not expect that and Chairman Dunn agreed.

Commissioner Frady said he also agreed that the seniors did not expect that. He said the seniors wanted the county to build them a center and not necessarily what they had on paper but what the county determined they needed.

Chairman Dunn said it seemed to him that rather than condemn anything that the seniors have done before the Board needed to scrutinize it. He said he had seen all of the plans and had been briefed on it. He said at the Atlanta Regional Commission he sees things that the A.R.C. gives the seniors. He said he knows what they are doing back and forth to provide the programs. He said the A.R.C. provides the seniors and this coming year probably almost \$500,000 to provide services. He said some of that money comes from donations but the money cannot be used for capital work or to build a building. He said the money was only for programs. He said everything that they had raised for the capital improvement program was what they were turning over to the county. He said he 100% wanted to get this done. He felt it speaks to what the community was and how the young people, middle aged people and the elderly were treated. He said he was no flaming liberal or anything like that. He said he had never been accused of that at least not before tonight. He said he just wanted to say that the county just needed to do this and to do exactly what they would want. He said he would doubt that was what would happen unless they had a really good product.

Commissioner Frady said he felt the Board had come to this conclusion. He asked how the Board would proceed with this in the way of a motion. He said there was a motion on the floor but he felt the Board could make a better motion.

Chairman Dunn said if the Board was not going to commit tonight to proceed with building a building. He said the seniors would need to know that too because they would have to go with some options and decide what they would do.

Commissioner Wells said the Board could always make a motion that the Board could study this and see what the seniors' needs were. She felt that would be a great place to start.

Commissioner Frady said he was trying to get to the point that the Board needed to make a motion that it would be a commitment but a commitment that was not yet known. He said it would have to be determined what the county would build. He said to say that the county would make every effort to build them a building was fine. He said there were a lot of things that the Board needed to do in the interim that would lead up to that.

Chairman Dunn felt the Board could live with a motion that said it was agreed that a county facility would be built over there. He said it was not known at this time exactly what that would be. He said if the Board reviewed the seniors program and if that program could be amended and still be a first class facility and get the mission accomplished and the county could save some money, then it should be done.

Commissioner VanLandingham said this had been discussed with the senior board and they would be willing to do that.

Commissioner Frady asked for the motion to be read back.

Karen Morley responded that a motion had been made by Commissioner VanLandingham and seconded by Chairman Dunn for discussion that the Board vote to support the construction of a senior services recreation center.

Chairman Dunn said there was a misnomer there because the county would be building the center with the seniors support.

Commissioner Frady said the county would not be building a senior building for the seniors but a county building.

Chairman Dunn remarked that this would be non profit organization donating money to the county.

Commissioner VanLandingham asked if anyone had any trouble with the motion and Commissioner Wells replied yes, she did.

Commissioner Frady asked Ms. Morley to read the motion again.

On motion made by Commissioner VanLandingham, seconded by Chairman Dunn that the Board vote to support the construction of a senior services recreation center, discussion followed.

Chairman Dunn asked Commissioner VanLandingham wanted to amend his motion. He said the Board needed to tell the world that this was going to be done.

Commissioner VanLandingham said he thought the motion was good enough the way that it was. He said the Board was not committing to any dollar figure but just committed to support the building of the senior building.

Commissioner Frady said he understood what was being said. He asked if the Board needed to determine where the funds would come from.

Chairman Dunn replied no. He said that would be a budget process and this would undergo a lot of scrutiny and exactly when the building would start. He said the Board could not decide all of those kinds of issues tonight.

Commissioner Frady said he would assume that if a motion was made like this one and he was reading the paper tomorrow he would assume that the building would start right now.

Commissioner Frady said he supported this 100% but he had a problem with the motion.

Chairman Dunn said he felt this would be part of the 2005 budget cycle.

Commissioner VanLandingham said anyone who thought the county would start on this tomorrow was not very smart. He said there was no way. He said this Board had never voted one day to build a building and start the building the very next day. He said this had never happened.

Chairman Dunn said this would be part of the budget discussions and be part of the budget that the Board would have to approve in June of 2005.

Commissioner VanLandingham said that was true and the seniors also understood that.

Chairman Dunn said in fiscal year 2006 was probably when something would begin to be done.

Commissioner Frady asked Chairman Dunn to call the question.

Chairman Dunn said there was a motion that the Board would support the building of this building.

The motion carried 4-1 with Commissioner Wells voting in opposition.

Commissioner Frady said one more motion would have to be made where staff was directed by the Board from here. He said the motion that was just made meant nothing unless staff was directed to do something. He said he felt this should have been included in the motion anyway that the Board would direct staff to begin gathering the necessary information so that this process could begin.

Commissioner VanLandingham said this could be done right now.

Chairman Dunn asked if Commissioner Frady wanted to make a motion. He said there was an implied requirement to do that since this Board had already determined that this would proceed.

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On motion made by Commissioner Frady, seconded by Commissioner VanLandingham that staff proceed to gather all information pertinent to this project including the size of the building, how many people would need to be accommodated and how much money would be spent and furnish this information to the Board as soon as possible. The motion carried 4-1 with Commissioner Wells voting in opposition.

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

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss five legal items. The motion carried 5-0.

LEGAL: County Attorney Bill McNally and Chief Jack Krakeel discussed a legal item with the Board.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to authorize Attorney McNally to proceed in this matter. The motion carried 3-2 with Chairman Dunn and Commissioner Pfeifer voting in opposition.

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

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

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

The Board took no action on this matter.

LEGAL: Attorney McNally and Attorney Dennis Davenport advised 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.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Executive Session Affidavit affirming that five legal items were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

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There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 11:00 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 13th day of January, 2005.

Karen Morley, Chief Deputy Clerk