

The Board of Commissioners of Fayette County, Georgia met in Official Session on March 2, 2005 at 3:30 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
 Linda Wells, Vice Chair
 Herb Frady
 Peter Pfeifer
 A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris Venice, Acting County Administrator
 William R. McNally, County Attorney
 Aaron Wheeler, Director of Zoning
 Carol Chandler, Executive Assistant
 Peggy Butler, Chief Deputy Clerk

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

Chairman Dunn stated that the agenda was going to be adjusted slightly so that the visitors from Peachtree City could speak first today.

NEW BUSINESS:

David Rast, Peachtree City Planer/Zoning Administrator said he appreciated the opportunity to talk with the Board of Commissioners. He said with him were Bernie McMullen, City Manager of Peachtree City and Clyde Strickland, Developmental Services Director of Peachtree City. Mr. Rast said they were here to talk about several things that they wanted to receive feedback from the Board of Commissioners. He said Peachtree City was slowly reaching the build-out stage. He said they were finding the residential population that early projections predicted to be 80,000 was probably going to max out at 40,000. He said they were in the process of looking at the existing infrastructure and trying to determine if the items they needed to support that population were in place. He said they were in the beginning stages of looking at the comprehensive plan. He said they would be working on that over the next year and a half. He said they would also be working with the Fayette County staff and the municipalities in Fayette County to update the comprehensive plan by 2007.

Mr. Rast said they were trying in the initial planning stages to chart out the next several months. He said they had been talking to Chris Venice in reference to looking at the existing boundaries of Peachtree City and trying to determine if they needed to develop growth boundaries. He said he did not want that to be perceived as the city being on an active annexation platform because they definitely were not. He said they wanted to make sure they worked with the County and the County staff so that

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if there were areas that may or may not need to be annexed into the city that they would present those to the staff and make sure that their plan agreed with the plan that the County was developing.

Mr. Rast said they were also looking at the West Village in Peachtree City. He said that was the area between Highway 74 and Coweta County. He said about four years ago the City Council hired a consultant to come in and work with property owners in the area and they were able to get all the property owners to buy into this plan as far as helping to develop it. He said what they came up with was a village on that acreage with a density of about 1700 residential units. He said that annexation was ultimately denied.

Mr. Rast said now they were looking at several subdivisions that had been approved and developed within the City off of MacDuff Parkway. He said they all had access onto MacDuff Parkway with a single exit onto Highway 54. He said when the widening of Highway 54 was completed next year, that would improve that situation somewhat. He said they were also looking to find another exit for that area. He said through the years, in the earlier master plans, there was an extension of what was called the West Side Connector and the Line Creek Parkway and is known today as MacDuff Parkway. Mr. Rast said there was a developer, John Wieland Homes, who had submitted a plan and purchased property in that area and has brought that to the Peachtree City City Council asking that it be considered for annexation.

Mr. Rast said the past five to six years they had been operating under a moratorium on annexations and the council in office now did away with the moratorium and came up with a two step process to look at annexations. He said Wieland was stuck before getting to step one. He said Wielland presented proposals to Council on two occasions. He said in the last proposal they presented a density of 750 units. He said several council members thought that was more than what was needed. He said the question arose was if staff or the applicant had talked to the County. He said he, Bernie and Clyde had met with Chris Venice and understood that a decision could not be made now as to how reaction would be towards that annexation.

Mr. Rast said the Council had asked them to appear before the Commissioners today and present a history of what they were looking at and try and get feedback that they could take back for their consideration when the annexation request came back on their agenda.

Mr. Rast said there were options they had talked about from a staff level. He said one option was would the County consider developing a different land use and zoning regulations for that area as a part of their comprehensive plan update and leave the property within the County. He said another option would be if higher densities were available, and the acreage was suggested at one acre, would

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this be favorable to the County. He said knowing that this had not formerly been presented to the Board, they would just like to get feedback and concerns from the Board that they could take back to the City Council.

Chairman Dunn said he had two questions. He asked if they wanted to know if the Board would consider a different land use and zoning, and a density of 360.

Mr. Rast said the acreage that Wieland had purchased was 360 acres in the County and 88 acres in Peachtree City. He said they were purposing of that 360 acres in the county, about 120 acres of that was in the flood plane and could not be developed. He said they were purposing to place 360 units on the remaining 240 acres. He said as a part of the application with the reduced acreage, they were purposing to extend MacDuff Parkway with an at-grade crossing by the Comcast building on Highway 74.

Commissioner VanLandingham asked Mr. Rast if they were aware that this had been in court and that two acre zoning was upheld in both the court and the appeals court. Mr. Rast said he was aware of that. Commissioner VanLandingham said they were very serious about defending the decision that was made by the former commission and as far as he could tell, there had not been anything that had happened to change his position. He said as it stood now, there could be 160 homes that could be legally constructed on that 360 acres.

Commissioner VanLandingham said on the annexation issue he understood that the Council was not actively seeking annexation. He said he remembered the moratorium that was in effect and he believed that some elected officials over there were discussing this even when the moratorium was in effect. He said to him that was actively seeking annexation. He said he would not consider any higher density than what it was zoned for.

Commissioner Frady said his comment was that no formal proposal was before the Board and he did not think he could address this, because there was nothing here to be addressed. He said they were waiting for someone to send something over so they could address it.

Commissioner Wells said her comments had been addressed.

Commissioner Pfeifer said he wanted to thank the Council for coming to the Board meeting and talking about this. He said he felt the basic intention was positive. He said what Commissioner Frady said was accurate in that they could not consider anything until they had a proposal. He said there was something he was puzzled about. He said there were entities that seemed to run around and go

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their own way. He said a case in point was a traffic study that was just done and this road was not on that traffic study. He said he would like to know why but was not sure Mr. Rast could answer that question. He said this road should have been on that traffic plan and then there would be something to talk about financially.

Commissioner Pfeifer said he would concur that he would not go any higher than the current density.

Chairman Dunn said when he read in the paper that the council had asked Mr. Rast to speak before the Board he thought that was unusual to do at a public meeting. He said most of the time they could work with the elected officials without this kind of thing.

Chairman Dunn said Commissioner VanLandingham made several comments that he agreed with. He said one of the things was that they were serious when they went to court on this issue. He said they were not playing games with anyone. He said they understood how much wetlands were there before they ever did this. He said he believed the total number of houses was not 180 but 137 or 138 because of the wetlands and the two-acre minimum lot size.

Chairman Dunn said the density was defended at two levels of court. He said there was a good land-use plan and it was zoned properly by the law. He said the Board was very concerned about density. He said if an annexation request was brought in here the Board had options. He said they could object or not object based on legitimate land-use objections. He said obviously anything higher than what was defended in court would provide the Board with a land-use objection. He said the Board was not in the business of wasting tax payers' money. He said they believed there was presently too much in that area of Fayette County. He said the West Village was so crowded, and the roads around there were so crowded, and the Board could not seem to get certain things accomplished that could help. He said he thought the best thing for that whole area was to develop it with the legal density that now existed.

Chairman Dunn said there was also something called the conservation subdivision. He said if so desired everything could be put on one-acre lots and leave half of it in conservation and perpetuity. He said there were some variations he felt the Board could seriously consider but he did not feel this Board would consider increased density beyond what they had fought to preserve for Fayette County.

Commissioner Frady said he was curious about something that had nothing to do with the annexation. He said there was an article in the paper today questioning whether or not sewer would be available to that property.

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David Rast said John Wieland and Dan Fields provided documentation from the Water and Sewer Authority. He said when Pathways initially owned that property they also owned the sewer system in Peachtree City. He said part of the agreement was when that property was developed that there were x number of taps that had been put aside for that property.

He said the lift station had been constructed. He said he felt that statement was not accurate. He said sewer could be available to that property if the developer wanted.

Commissioner Frady said he new that and knew it was made available when the contract was signed. He said he did see something in the paper and wondered why it was said.

Chairman Dunn said Mr. Wieland had been to this office and spoke with him. He said he told him basically what he had said tonight. He said maybe that was why it went from 750 to 360, but he did not know. He said he would stand firm as an individual commissioner for what had already been done.

Chairman Dunn asked Mr. Rast what kind of different land-use and zoning were they talking about, in particular the land-use. He asked if they were thinking they should change the land-use to something other than residential.

David Rast said he thought that was one of several options they had considered. He said he did not know if they would ask the County to amend their zoning or land-use based on what had been defended. He said Chris Venice had provided documentation from the court case and it was very clear how it was defended and the ruling of Judge Caldwell.

Chairman Dunn said he agreed with what was said earlier that they should be working together with what was on mutual boundaries. He said he was sad to hear that the council may be considering expansion in addition to the West Village. He said he did not think anyone expected that. He said having said that, he thought the Board would not want to put zoning that was more intense on that land, i.e. commercial or industrial.

Chairman Dunn said they did appreciate them coming.

David Rast said it had been informational and that was why they were there. He said as they started the process of updating their comprehensive plan they would like to coordinate with the County and staff to address that.

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Chairman Dunn said that was the way it should be. He said people read in the paper about the differences of opinion between an elected official in Peachtree City and some elected officials in Fayette County and he certainly hoped that did not trickle down to the staff. He said he had never seen evidence of that. He said staffs worked very well together and he thought that would always continue.

Commissioner VanLandingham said he had something he wanted Mr. Rast to carry back to Peachtree City. He said there had been articles in the paper that stated the Commission had made the statement that they would not cooperate with Peachtree City in anyway as long as three people were sitting on the council. He said he did not know of any person on the Board who had said that. He said past actions had limited what the Board was willing to do but the Board was willing to cooperate. He said he felt the Board had exhibited that. He said they were willing to work with Peachtree City but needed cooperation also.

Chairman Dunn said he wanted to reiterate that he had never heard any of the County staff complain about the staff in Peachtree City.

David Rast responded that was good to hear and they had enjoyed working with the County staff.

OLD BUSINESS:

POLICY FOR USE OF COUNTY-OWNED BUILDINGS AND GROUNDS:

Carol Chandler, Executive Assistant to the Board of Commissioners, said this item that had made its way to the agenda today has been discussed for over a year. She said a year ago the Board directed a letter to all County departments and Constitutional Officers stating the Board would be developing a policy for the use of the County's buildings and grounds. She said the letter stated that until the policy was developed, only the governing authority could authorize use of county-owned properties. She said all sites had been evaluated and now they were down to resolving some final difficult questions that still need consensus from the Board. She said she wanted to go over a list of questions concerning various uses of public facilities to see if there was still a consensus on items that existed earlier and to try to have the Board reach consensus on some uses not yet agreed upon.

Ms. Chandler began with the issue of fund-raising on county property, saying that for a long time the County had not allowed fund-raising events on the property other than those sponsored by the County or another government agency. She asked if the Board was still in agreement with this policy. The consensus of the Board was yes. Chairman Dunn reconfirmed that any fund-raising has to be affiliated with the government to be allowed. Ms. Chandler concurred.

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Ms. Chandler said the next two items dealt with allowing sitting elected officials, including State and U.S. Senators and Representatives, to use the Public Meeting Chambers and/or in the Library Meeting Room for town hall meetings. She said the consensus of the Board had been yes for both locations and the Board once again agreed.

Ms. Chandler confirmed that the Board had agreed that they had no problem with allowing other governments to use the County facilities provided they agreed to the County guidelines having to do with hours, cleanup, access, etc. There was again consensus.

Ms. Chandler asked if the Board was in agreement with not allowing any uses at the Justice Center. The Board said they were in agreement with this.

Ms. Chandler said that in reference to the use of the Library Meeting Room, the Library did allow bonafide not-for-profit organizations to use the facility which may include some homeowners' associations. She said they did not allow regularly scheduled meetings of any club or organization. She said there was a rigid policy in place which had worked very well since the new Library had opened.

Chairman Dunn said he has seen in years past an occasional music recital at the Library. He said the ones he objected to were ones that were a part of a private teacher's business and not sponsored by the Library.

Commissioner Wells responded that clarifying the use of the room by not-for-profit groups would determine in the future whether or not a recital or concert could be held there.

Commissioner VanLandingham said he was comfortable in the way the Library had enforced its policy in the past.

Chairman Dunn asked if there was a fee to use the Library facility. Ms. Chandler said there was not.

Ms. Chandler asked the Board if a political party met the terms of the Library's policy, would they be allowed to use the Library's room for their meetings.

Chairman Dunn said he did not agree with allowing political parties to conduct their business on publicly-owned property. Commissioner Wells stated she also had a problem with that. Commissioner Pfeifer said he did not have a problem with it.

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Ms. Chandler clarified that no monthly meeting or regularly scheduled meeting could be scheduled for any organization under the Library's existing policy.

Chairman Dunn said the policy had to be specific. He said right now the Democratic Party used the Public Meeting Chambers for their monthly scheduled meeting. He said he was opposed to that, not because they were Democrats as he would likewise be opposed to the Republican Party using it as well, even though they had often used the Meeting Chambers in the past. He said there were also other political parties in the county besides the Democratic and Republican Parties and he did not think it was appropriate for political party business to be conducted in public facilities.

Ms. Chandler asked for further clarification of whether or not there was consensus on this issue and whether to apply the consensus to both the Library and the Public Meeting Chambers.

Commissioner Wells said she was opposed to either building being used by political parties of any kind to conduct their routine business meetings. Chairman Dunn said he was opposed. Commissioner VanLandingham said he did not have a problem with it. Commissioner Frady said he felt political parties should have their meetings elsewhere. Commissioner Pfeifer said he had no problem with it. Chairman Dunn said it was a 3-2 consensus in opposition to using either of the county's meeting rooms for political party meetings.

Ms. Chandler said the next item had to do with service clubs or other organizations sponsoring a political forum that would be open to the general public and would include all candidates in the Library Meeting Room. It was a 5-0 consensus of the Board for approval of this.

Ms. Chandler said the next item dealt with the Commissioners' Chambers (Public Meeting Room). She said they had typically limited use of it to governments. She asked the Board if that was still acceptable to them.

Commissioner VanLandingham said he had one concern. He said when Main Street held their Christmas and Spring events at the complex, if they were allowed in the Chambers there was nothing to stop people from going anywhere else in this building. He said he had a concern with anyone just being able to walk through county offices when the offices may be closed for business. He said the restrooms in the lobby in the center of the building were always open for public events so access to the restrooms near the Meeting Chambers shouldn't be necessary.

Chairman Dunn asked Ms. Chandler if did not this Board make a decision not to allow Main Street in the Public Meeting Room but would open the restrooms in the lobby if there was an event in the

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parking lot. Ms. Chandler said that was correct but she wanted to make sure that was still acceptable with the Board. She said Main Street had not indicated they had any problem with not having access to the Meeting Room.

Ms. Chandler said the next item dealt with allowing political forums in the Public Meeting Room.

Commissioner VanLandingham said he was concerned there would be the same problem there as had occurred with Main Street's access to the Meeting Chambers.

Commissioner Wells said the consensus was no on allowing political forums in the Public Meeting Room but they could be allowed in the Library Meeting Room.

Ms. Chandler asked if they should open the Public Meeting Room for educational programs and events sponsored by local service clubs and organizations and non-for-profit agencies.

Commissioner Wells said she would rather the Meeting Room at the Library be used for such events.

Chairman Dunn said for several years they had allowed the American Legion to hold their speech competition in the Public Meeting Room. He said they gave patriotic speeches. He said he did not know if the Library Meeting Room would be sufficient for this event.

Commissioner Wells said it would be. The first time she attended this competition it was held at the Library and there were adequate accommodations.

Commissioner Frady said he just had a problem with groups having access to the rest of the building.

Ms. Chandler clarified that the consensus was no for allowing clubs and organization to hold events in the Public Meeting Chambers.

Ms. Chandler next said it had never been the County's practice to allow political rallies on County property under any circumstances. She asked the Board if they wanted to continue this policy.

Commissioner Wells said she wished to continue this practice. Chairman Dunn said he also agreed. He said some people had said the Board had allowed the use of the Gazebo, but he clarified that the Gazebo was City property and not the County's. The consensus of the Board was to continue with the practice of not allowing political rallies on any county-owned property.

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Ms. Chandler said the County had a rigid policy that the Recreation Department used in regards to rent and clean-up deposits for their facilities that had worked well. It was the consensus of the Board to continue with these policies for recreation sites.

Ms. Chandler next asked about the policy for placement of signs on the northwest corner of the Old Courthouse lawn.

Commissioner VanLandingham said he did not have a problem with this as long as the signs met the established rules. He said it was "old timey" to see signs like that out.

Commissioner Pfeifer said he also did not have a problem with continuing as in the past.

Commissioner Wells said she did have a problem with this item. She said she would not want to allow bonafide businesses to place signs on the lawn, but she did not have a problem with non-profit organizations and the Board of Education and Main Street contributing to the old time involvement of the Old Courthouse Square. She said if anyone and everyone was allowed to put a sign on the lawn there would then be a problem of appropriateness, frequency and clutter. She said she would not have a problem with using the Old Courthouse corner for signs if it was for non-profit organizations, Board of Education and Main Street.

Commissioner VanLandingham said he was thinking about the United Way, the Joseph Sams School and agencies like that. He said if our established criteria is met he had no problem with anyone placing a sign on the lawn.

Commissioner Pfeifer asked where the playhouse groups fall.

Commissioner Wells said it would depend on whether they were not-for-profit or for-profit groups.

It was the consensus of the Board to allow the use of the Old Courthouse corner for signs for not-for-profit groups and other government entities only.

Ms. Chandler said there had been discussion that the Board's Executive Assistant or the County Administrator could approve or disapprove requests for use of county-owned properties and sign requests, once a new policy was adopted.

Commissioner Wells said if there was a policy in place then the staff was capable of enforcing it.

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Chairman Dunn said he agreed but if there was an exception to be considered then it would be brought to the Board for consideration.

Ms. Chandler next asked about the use of Heritage Park.

Commissioner Wells said she preferred the Park not be allowed to be used for anything other than a use by government group.

Commissioner Frady said if someone wanted to use a park there were parks to rent with outside shelters both on the north and south side of the county.

Chairman Dunn asked about churches. He said they were not-for-profit organizations.

Commissioner Wells said they did not say not-for-profits could use the Park, they said it would not be used for anyone other than a government group.

Commissioner VanLandingham asked if Heritage Park had just been built to look at or to enjoy. He said why not allow it to be used and enjoyed as it was intended. He said it was a perfect setting and centrally located in the county. He said he had been to several events out there and they had all been well attended. He said he had not seen any abuse in the use of the Park.

Commissioner Frady said if anyone could use it he would vote for a church to use it. He asked where the line should be drawn. He said if they let someone who was not authorized to use it then they would have to let every one use it.

Commissioner VanLandingham said it was no different from the Library. He asked what the difference was in using the Library and using Heritage Park.

Chairman Dunn said the church issue was very sensitive. He said they were prohibited now from putting Christmas displays of the Manger on public grounds. He said that was why he was concerned that the Board make a correct decision on this issue.

Commissioner Wells said if the Board allowed no one except churches then they as government were granting special privileges to churches.

Carol Chandler asked if use is limited to non-profits and churches, would the Board want them to be headquartered in Fayette County.

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Commissioner Frady asked County Attorney McNally if one group was allowed to use the Park and thus any and all groups must be allowed to use the facility, what the Board was opening itself up for.

Attorney McNally said he was not quite sure how to answer the question. He said if the question was if the county allows any political groups to use it then you had to allow all political groups to use it. He said if you allowed religious groups to use it you would have to allow all religious groups to use it. He said if the Board wanted to limit use to government organizations it would be prohibiting any and all others other than government organizations from using the facility. He added that the use of the term non-profit was a very broad term and was a broad category that a lot of businesses could fit into.

Commissioner Pfeifer said a group had to provide documentation from the Federal Government stating that they were a non-profit organization.

Commissioner VanLandingham said the Library already required organizations to present this documentation from the government also affirming non-profit status.

Attorney McNally said there was a difference between a non-profit organization and a charitable organization. He said a charitable organization fits under a different category in the IRS rules and must show that it does support charitable causes while a non-profit organization merely needs to show that it is paying profit to no one, which does not mean it cannot pay salaries and bonuses to individuals.

Commissioner VanLandingham said he saw no difference in the Library Meeting Room and Heritage Park. Commissioner Pfeifer agreed.

Chairman Dunn said they were trying to determine what the intent of the policy was so that staff would have something they could enforce. He said there was already placed on government some prohibitions. He said even though there were some things they would like to do around Christmas time they could not do. He said he felt they had to be particularly cautious when dealing with issues concerning religious practices..

Commissioner Frady said if the Park and lobby restrooms could be used instead of the Public Meeting Room it would keep people out of areas where access should be prohibited. He said there were very important business records and equipment in county offices that did not need to be disturbed. He said he did not have a problem with people using the Park.

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Chairman Dunn asked how could they describe what was a church. He said the Constitution had put certain protections on groups that were not churches. He said they were treated as if they were religions or churches.

Commissioner Wells said a simple acclamation in today's society could determine what was a church.

Attorney McNally said in response to the question, any group of people could hold themselves out to be a church, even if they were not recognized as a not-for-profit organization by the IRS. He said that would not stop two people for saying that they were a church.

Chairman Dunn asked if the law would protect anti-church groups just as much as church groups.

Attorney McNally responded that the Board would need to be prepared if they were going to allow church groups to use the facilities they would need to give equal time to those who may want to protest against a church. He said you could not say yes to churches and not allow groups that say there is no God to also use the Park.

Commissioner VanLandingham said he did not have a problem with that and that he would like to know who those people were.

Commissioner Wells said there was a difference between using the Library and the Park. She said the Library was a confined area where people could go in and conduct their business. She said it was not out in the public where some volatile issue might encourage other people to get involved. She said at the Park, people could simply do this to get emotions high, to get people involved in order to stir up issues. She said in the Library we have fire codes which control the number of people allowed, a much more contained area and less visibility. She said there was a lesser chance of creating a scandalous or emotional environment than if done at the Park. She said in using the Library, people were still able to use government facilities. She said people could still enjoy the Park, but the County would be excluding some of the activities that perhaps had been allowed there in the past.

Chairman Dunn said he also had enjoyed many wonderful activities at the Park. He said they were sponsored by Main Street and these activities could still be held there, since Main Street is government. He said, further, the one thing that bothered him the most was having to say no to an activity that has in the past included many of the churches at Christmas time. He asked if Main Street could have a religious activity.

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Commissioner Wells confirmed that they would be able to because they were a government agency. She also said she felt the Board would be opening a huge can of worms by making any exceptions by letting anyone except government entities use Heritage Park for activities.

Commissioner Frady suggested they insert a note saying the Park could only be used for activities for two weeks during the Christmas season.

Commissioner Wells responded that people could then say they did not recognize Christmas and ask why they could not use the Park for two weeks another time of the year. She said for citizens with other religious affiliations the two weeks at Christmas time would not be significant for them.

Commissioner VanLandingham said it seemed to him that they were trying to protect something that did not need protecting. He said if taxpayers paid to construct the Park, could the Board restrict its use. He said he was not qualified to say which activities were bonafide. He said using a public facility such as a park was perfectly logical to him and that he did not have a problem with it at all if they operated within the parameters that the Board set. He said he thought the Board could do that and maintain the integrity of the Park.

Commissioner Pfeifer said the reason he went along with restricting the use of the Chambers was for security reasons and that was true for the Justice Center as well. He said he did not feel that was true for Heritage Park.

Commissioner VanLandingham said if it were to become a problem they could change the policy, but to prohibit use now would be wrong.

Commissioner VanLandingham asked for a consensus.

Commissioner Frady asked if some Board members were suggesting that the same groups be allowed to use Heritage Park that would be allowed to use the Library Meeting Room and the Courthouse lawn for signs.

Chairman Dunn clarified there was a 3 to 2 consensus to allow use of Heritage Park by the same groups that would be allowed to use the Library Meeting Room and the Courthouse lawn for signs, with Commissioner Wells and Chairman Dunn speaking in opposition.

Commissioner Wells said she would like to see a cleaning deposit required.

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Commissioner VanLandingham said he would also like to see a damage deposit established.

Ms. Chandler said a recommendation would be made in the document that would be presented for the Board's adoption.

Chairman Dunn confirmed with Carol that a policy would be drafted for the Board to vote on. She responded that was correct. She said the attorneys would take this information and develop the policy that would be brought back to the Board for their final review and adoption.

Commissioner Wells thanked Carol for her time she put in on this. She said it was something that was not easy for anyone and she appreciated Carol persevering to get a policy finalized.

PROPOSED ANNEXATION:

Aaron Wheeler, Director of Zoning, read the consideration of proposed annexation by Fayetteville for two (2) one-acre lots for Bevans Enterprises in North Fayette Business Park. Mr. Wheeler said this was one of the nine lots that was not annexed in the mid 1990's. He said it consisted of two lots with one owner. He said they wanted to run a kennel on the facility. He said staff was recommending approval.

Chairman Dunn said this was part of the annexation dispute process that was still used. He said they had until March 15 to answer the City as to whether they had a legitimate land use objection to this or not.

Commissioner Wells said she did not see that the Board had a bonafide reason to object to this.

Chairman Dunn said it was consistent with what was there.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Wells, that the Board had no land use objection to the proposed annexation. Motion carried 4-0 with Commissioner Frady absent for the vote. A copy of the request, identified as "Attachment No. 1" follows these minutes and is made an official part hereof.

401(a) AND 457(b) EMPLOYEE BENEFIT PROGRAMS:

Connie Boehnke, Director of Human Resources, stated that the Board had before them a proposal to adopt a resolution to provide employees with more flexibility in their 401(a) and 457(b) plans as far as investing and deferral options. She said the changes were that currently access was limited to decreasing deferrals and transferring investment options to quarterly, and this would allow it to be provided monthly.

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Commissioner Wells said the only question she had was stopping and starting this on a monthly basis. She said she thought that would be an accounting nightmare.

Ms. Boehnke as of over a year ago, they now held monthly benefit meetings. She said this would not add to administrative work. She said the changes would take place the first of each month.

Commissioner Frady asked if they were trying to change their investments. Ms. Boehnke said that was correct. He asked who was going to help the employees make the investments. Ms. Boehnke said they could go online or they could talk with the County's Financial Advisor or a Hartford representative.

Commissioner VanLandingham asked how many quarterly changes did they have right now. Ms. Boehnke said she did not have that data with her. She said on a quarterly basis she said there were probably 30 to 40.

Commissioner Wells said they had to be careful not to assume the maternalistic role in this. She said she agreed it was not to their advantage to move funds like that, however, it was their funds, so if they wanted to take their money and move it, they were adults and should be able to do that.

Commissioner VanLandingham said his concern was the burden these transactions would place on staff. He said he was first told that there would be no burden. He said he did not see how there would not be an added workload.

Chairman Dunn said what concerned him was the starting and stopping of this on a monthly basis. He said that changed not only what had to be done but it also changed the tax liability for the County. He said this was pre-taxed dollars.

Mark Pullium, Division Director of Business Services, said it would only be a computer entry on the part of staff.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to approve the amendment as presented. Motion carried 5-0. A copy of the resolution, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

CONSENT AGENDA: Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to approve the Consent Agenda as presented. Motion carried 5-0.

AMENDMENT OF ANIMAL CONTROL BUDGET:

Approval of request from Animal Control to amend the FY2005 budget to increase revenue and expenditures by \$50 for donation received. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

TRANSFER TO THE FIRE FUND:

Approval of request to transfer into the Fire Fund the balance from closed CIP fund #354 Fire Station Construction \$332,563.96. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

WATER COMMITTEE RECOMMENDATION:

Approval of Water Committee recommendation to install 800 feet of pipe between Holly Grove subdivision and Wilshire subdivision to improve water service. A copy of the recommendation, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

PAVING OF QUARTERS AND SNEAD ROADS:

Ratification of required Department of Transportation right-of-way documents for the paving of Quarters and Snead Roads. A copy of the documents, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

MALLETT CONSULTING TO PROVIDE SERVICES:

Approval for Mallett Consulting, Inc. to provide project management and construction inspection services for the proposed senior center facility. A copy of the proposal, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

CLASS TO BE HELD IN THE LIBRARY MEETING ROOM:

Approval to allow the Georgia Chapter of the Embroiderer's Guild of America to hold a class in the Library Meeting Room on May 7 from 9 am until 4 pm.

A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

AMENDMENT OF FY2005 BUDGET:

Approval of request to amend the FY2005 budget for change order of \$1,000 to bid #456 crowning of soccer field #5 to cover increase cost of sand and freight. This project was delayed due to failure of septic system. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

APPROVAL OF BOARD MINUTES:

Approval of minutes for Board of Commissioners meeting held on February 10, 2005.

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

Mark Pullium: Mr. Pullium said he had five banking resolutions and five sets of signature cards to establish and authorize the Acting County Administrator, Christine Venice, to sign various checks and be a signatory on various bank accounts that are necessary to carry out ongoing operations of the County. He said the five bank accounts were the concentration account, investment account, workers compensation/self insurance account, special revenue and library construction account, and the payroll account.

Motion was made by Commissioner Wells, seconded by Commissioner Dunn, authorizing the Acting County Administrator to serve as signatory on five County bank accounts. Motion carried 5-0.

Jack Krakeel: Chief Krakeel said it was his pleasure to introduce to the Board the new Chief Marshal, Ed Collins. He said it was an exhaustive process in selecting the new Chief Marshal. He said Chief Collins had over 35 years of law enforcement experience and held a Bachelor's and Master's degree in Criminal Justice and also was an adjunct professor of Criminal Justice.

Chief Collins remarked that he was really glad to be here. He said he had lived in the area for 45 years and considered this his home.

Carol Chandler: Ms. Chandler stated she was asking for consideration of the Board to install recording equipment into the Commissioners' Conference Room. She said the room was used for budget hearings, workshops, and the Planning Commission held their workshops in this room. She said without recording equipment it was very difficult for the clerks to record from the table top device now being used. She said she was asking for software identical to what was used in the Chambers and to be allowed to set up a fixed work station in the corner of the room, and install microphones in the ceiling. She said the price to do this was actually less than what it was a year ago. She said she had an estimate of \$3,700 and not to exceed \$4,000.

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Motion was made by Commissioner Frady, seconded by Commissioner Wells, to install recording equipment in the Commissioner's Conference Room for an amount not to exceed \$4,000. Discussion followed.

Commissioner VanLandingham asked that if two microphones would be adequate.

Ms. Chandler said that according to information received from Russell Prince of Information Services, the devices used are very small, fit into the ceiling and are very sensitive. He said the vendor indicated we could probably get by with one microphone, but since the table was so long and at times the room was full of people, we felt the computer would pick up the sound much better with two microphones.

Motion carried 5-0.

Attorney McNally: County Attorney Bill McNally asked for an Executive Session to discuss two legal items.

Commissioner VanLandingham: Commissioner VanLandingham asked for an Executive Session to discuss one legal item.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Wells, to adjourn to Executive Session to discuss three legal items. Motion carried 5-0.

LEGAL: Commissioner Frady discussed a legal item with the Board and the County Attorney.

The Board took no action on this matter.

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

Motion was made by Commissioner Wells, seconded by Commissioner Frady, for the County Attorney to proceed in this matter. Motion carried 5-0.

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

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner Frady, to authorize the chairman to execute the Executive Session Affidavit affirming that three legal items were discussed in Executive Session. Motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 10", 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 5:30 p.m.

Peggy Butler, 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 14th day of April, 2005.

Peggy Butler, Chief Deputy Clerk