

he Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, October 5, 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, County Administrator
 William R. McNally, County Attorney
 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.

ANNOUNCEMENTS

County Administrator Chris Venice announced that Fayette County had received the Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report for the year ended June 30, 2004, the Distinguished Budget Presentation Award for the FY2005 budget document, and the award for Outstanding Achievement in Popular Financial Reporting. These awards were presented by the Government Finance Officers Association, a professional association of local finance officers in the U.S. and Canada.

County Administrator Chris Venice announced that the employees of Fayette County had raised \$2,230 to be presented to the Department of Family and Children Services to help the victims of Hurricane Katrina that relocated to Fayette County.

OLD BUSINESS

PERMIT AND INSPECTION DEPARTMENT FEES

Bill Cushing, Acting Director of Permits and Inspections, said he wanted to propose to the commissioners a consideration to adopt an increase for residential and commercial building permit fees from .17 per total square foot to .25 per total square foot, effective January 1, 2006. He said additionally he was proposing an increase to the reinspection recall fee schedule. He said users, not the taxpayers, should bear the cost of operating this department. He said he wanted this department to be self supporting, not covering costs by taking money from the general fund. He said the last time the department was self supporting was the year 2000. He stated that businesses did not borrow funds to cover costs of operations, they raise their prices.

Mr. Cushing said the cost to operate had increased due to educating of inspectors with new certifications, and maintaining certifications. He said the International Code Council dictated continuous education credits to maintain certifications. He said these classes were costly and had to be sponsored by an organization approved by the ICC. He said the State demanded qualified inspectors. He said educated certified inspectors kept the ISO rating up and, in turn, provided Fayette County citizens improved insurance ratings. He said it took time and training to be sure that demanding building codes were met.

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Mr. Cushing stated that fuel costs and vehicle maintenance were rising and routes around the county were spread out with high mileage between job sites. He said the cities in the county were more compact and their mileage costs to job sites were far less than the county's. He said replacement of equipment, office and vehicle, had also had an impact.

Mr. Cushing said inspectors did not only complete daily inspection requests, they also responded to homeowners and builders who ask for assistance on problems encountered before calling in for inspections. He said this required additional miles and time. He said they must inspect schools and school additions. He said the Board of Education permits were free and required up to six times the normal inspection of residential and most commercial projects. He said two new schools were recently completed, one addition currently being built and two new schools and two additions anticipated in the near future.

Mr. Cushing said the increase was across the board for every structure permit issued. He said although single family homes were a large portion of their business, the ratio to total construction has decreased every year and the monthly number permitted was not the significant pointer it once was.

Mr. Cushing said in looking at the pie charts provided, in 1995, 430 structure permits were taken out and of those 300 were single family, which was 69% of permitted construction. He said in 2000, 490 structure permits were issued and of those 310 were single family permits or 63% of permitted construction. He said in 2004, 507 structure permits were issued and of those 254 were single family permits or 50% of permitted construction. He said in 2005, 612 structure permits were issued and of those 209 were single family permits or 46% of permitted construction. He said the average square foot home built in 1995 was 2,716 sq. ft. He said the average square foot home built in 2005 was 4,213 sq. ft. He said this was a 55% increase in size. He said in 1995 single family permits issued were 300 or 69% and in 2005 209 single family permits were issued or 46%. the total heated square feet inspected in 1995 was 814,800 square feet and in 2005 the total heated square feet inspected was 880,517 square feet.

Mr. Cushing said he urged the board to approve these fees and not to burden the tax payer and allow the Building and Permits Department to be self-supporting.

Commissioner Wells stated that Fayetteville and Peachtree City charged \$300 for a separate electric, plumbing and HVAC permit. She asked if the county charged for those. Mr. Cushing said that was included in the Fayette County permit fee.

Commissioner VanLandingham said he had asked for additional information on budget increase over the last few years. He said at looking at an increase of .25 a gain of \$183,000. He asked if we were behind that much in the budget. Mr. Cushing responded that in 2005 there was a shortage of \$58,556 and there were three months to go. He said they did not know what type of revenue would be coming in to offset that.

Commissioner VanLandingham said they would collect \$183,000 and the projection in 2006 was roughly \$100,00 which would cause a net gain of \$83,000. He asked if we should be making money off the public with these fees. He recommended that they drop back to .21 a square foot rate rather than the .25 because that would put the county more in line with what the budget said was needed.

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Mr. Cushing said 2006 was estimated on the first three months. He said then there would be a lot of schooling required for certifications and education credits for the inspectors. He said they would also have a new inspector who would be going to classes in 2006.

Commissioner Frady said he agreed with Commissioner VanLandingham. He said he agreed with the .21 for permits. He said he knew they were down as far as square footage because there were about 80 permits less so far than last year. He said he disagreed with this being called a user fee. He said these were mandated fees not something you voluntarily go and do like playing ball. He said he could go along with a .04 increase and if a person calls for an inspection and the inspector gets there and they are not ready to charge them again. He said those were the two things he could support.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Wells, to adopt an inspection fee of .21 cents per square foot and an increase in the reinspection fees.

Commissioner Wells said she would prefer to take it up to .25 per square foot for heated space and leave it at .17 for unheated. She said she thought it would be a much better charge for the person who was putting up a pole barn. She said they were charging .17 square foot now for inspection. She said for a pole barn, storage building, farm-out buildings, decks and porches at .17 a square foot for something that you did not have to look at the heating, air conditioning and the plumbing seemed to be a much fairer cost. She said her preference would be to go to .25 per total square footage for heated and leave it at .17 for unheated.

Mr. Cushing said he would like to see the price set at .21 all around. He said getting into .25 heated and .17 unheated areas would be complicated. He said he would agree more with the .21 increase and the reinspection fees.

Commissioner Wells said she did not see how it was going to be so difficult to differentiate between a house that was going to be heated and a pole-barn.

Commissioner VanLandingham said the problem was that with structures what was unheated today could be heated tomorrow. He said then they missed out on that. He said if they went to a straight .21 inspection fee and someone wanted to heat it later on the price has already been paid. He said he felt this would be a much easier situation to work with.

Commissioner Pfeifer said he liked the approach of increasing the re-inspections for those who most used the services ought to be those who paid for it.

Chairman Dunn asked what caused a loss of \$180,000 in one year and \$85,000 in another year. Mr. Cushing answered it was due to the number of permits taken in that year.

Chairman Dunn stated that it would be important for the department to review this on an annual basis so that the fee could be adjusted if necessary.

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Chairman Dunn said he agreed with Commissioner Frady and Commissioner VanLandingham. He said he did not want to make money off of the developers, he just wanted this to pay for itself.

Commissioner VanLandingham said the developer would not be paying this, this homeowner would be paying for this. He said the developer was going to make his percentage no matter how much it cost. He said a carport could be closed in if it was facing the right way and no one would notice it and the permit would not be issued, therefore the money would be lost if it was a charge of .25/17. He said if the cost was .21, then we would have collected up front and if something is done without a permit the price was still paid even though the ordinance would be violated. He said he would rather go ahead and charge the .21 up front and be done with it.

Commissioner Wells said then we were assuming two things. One being that our citizens were dishonest and are not going to get a permit, and if they did, they were charged .21 the first time and when they come back to enclose the area we would charge them .21 again. She said they would be paying for heating, electricity and plumbing twice.

Commissioner Frady said this benefitted all citizens because if I'm going out to buy a house I know that somewhere along the way it was inspected properly.

Chairman Dunn asked when this new rate would become effective. Mr. Cushing responded it would become effective January 1, 2006.

Chairman Dunn said he would like to see a report, without asking for it, of the first year of operation to see what was accomplished.

Commissioner Pfeifer asked if they could have a breakdown of heated and unheated space inspected. Mr. Cushing said they could provide that information.

Chairman Dunn called the question.

Motion carried 3-2 with Commissioner Pfeifer and Commissioner Wells voting in opposition. A copy of the information, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

NEW BUSINESS:

TRAVEL POLICY:

Commissioner VanLandingham asked that the discussion of the Fayette County Travel Policy be tabled until the October 13, 2005 Board of Commissioners Meeting.

Chairman Dunn asked Mark Pullium, Director of Business Services, to send him information as to why elected officials should be exempt from anything. He said he did not see any reason why the taxpayer should pay anymore for elected officials to go some place.

PAVING AND GRADING WORK PROGRAM:

Lee Hearn, Public Works Director, presented a power point presentation on the paving and grading work being done by the Fayette County Road Department. He said in terms of the tropical storms, the work of the Road Department was impacted tremendously. He said with 16 days of rain in July and 15 days of rain in August they were not able to put asphalt down until the last week of July. He said they had clean-up work to be done after the tornado. He said the grading project on Goza Road had been completed, as well as Snead Road, Quarters Road, Kenwood Road and the S.R. 54 and McElroy intersection improvements, which included a traffic signal and turn lanes.

Mr. Hearn said in reference to the paving projects, they had LARP paving on the work program consisting of 16 miles. He said the County funding paving, just for materials, was \$1.2 million with mileage funded at 35 with the SPLOST paving funds at \$965,000 and SPLOST mileage at 19.4 miles. He said they planned to pave 5 miles for the cities.

Mr. Hearn said in the paving operation they included patching. He said some patching was done by contract. He said each year they had done about 10 miles of contract patching. Mr. Hearn said other maintenance projects that they got involved in were widening and shoulder improvements. He said they resurface until the weather does not allow it due to the temperature. A copy of the paving, grading and resurfacing information, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Mr. Hearn said there were 39 workers. He said the paving crew consisted of 24 workers. He said that left six workers for the grass cutting, one worker for the sign shop, one worker for the fuel service technician, one worker as a heavy equipment mechanic, the detail crew and five workers on the grading crew.

Chairman Dunn asked what the workers were doing when they were not paving. Mr. Hearn said the paving crew works as a ditching and maintenance crew. He said in the winter time there were 61 miles of dirt roads that had to be maintained. He said they could also do clearing in the winter time.

Commissioner VanLandingham said he wanted to comment that after the storms the Road Department did an outstanding job with the cleanup efforts in coordinating the work and getting it done. He thanked him for a job well done.

Commissioner Frady commented that this was a very good presentation.

Chairman Dunn said one thing that would be helpful to the commissioners would be a paving list available on the web site.

CONSENT AGENDA: Motion was made by Commissioner Wells, seconded by Commissioner Frady to adopt items 1, 2, 4, 5, 6, 7, 8, & 10.

BID AWARD TO WADE TRACTOR:

Approval of staff recommendation to award Bid #528 (Mini Excavator) to the low bidder that meets the specifications, Wade Tractor, at a price of \$32,008. A copy of the bid award, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

REPLACEMENT OF JAWS OF LIFE:

Approval to replace the power unit for the Jaws of Life per bid quote of \$7,597 from Matrix Medical. A copy of the information, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

RECOMMENDATION FOR PRICE INCREASE:

Approval of recommendation for a \$1.50 per ton price increase to APAC for hot mix asphalt through December 2005. THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA.

FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT:

Approval of authorization for the Chairman to execute the "First Amendment to the Intergovernmental Agreement" between Fayette County and the Secretary of State of the State of Georgia concerning receipt of ExpressPoll electronic Encoder Devices. A copy of the agreement, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

BID AWARD TO INDUSTRIAL CHEMICALS:

Approval of recommendation by Tim Jones, Director of Purchasing, to award Bid #531 (Chemicals) to low bidder, Industrial Chemicals, Inc., for use by the Water System. A copy of the bid, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

BID AWARD TO SOUTHERN LIME:

Approval of recommendation to award Bid #529 (lime) to low bidder, Southern Lime, in the amount of \$105.84, for use by the Water System. A copy of the bid, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

BID AWARD TO CALCIQUEST:

Approval of recommendation to award Bid #531 (Praestol) to low bidder, Calciquest, at \$57.90 per 5 gallons and \$454.10 per 55 gallons, for use by the Water System. A copy of the bid, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

AMERICAN CANCER SOCIETY FUNDRAISING EVENT:

Approval to send letter to Georgia Revenue Department which will result in the American Cancer Society being allowed by the State to hold a fundraising event serving beer and wine. A copy of the letter, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

HOSPITAL AUTHORITY TO ISSUE BONDS FOR PIEDMONT HEALTHCARE:

Approval of Resolution authorizing the Hospital Authority to issue bonds for Piedmont Healthcare, Inc. for funding expansions at Piedmont Fayette Hospital. The amount of the proposed bond issue is \$36,200,000. A copy of the Resolution, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

SOFTWARE UPGRADE FOR ANIMAL CONTROL:

Approval of request to purchase software upgrade for Animal Control in the amount of \$2,600. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

Commissioner Wells said she wanted to comment on the consent agenda item that was for the approval of recommendation for \$1.50 per ton price increase to APAC for hot mix asphalt through December 2005. She said she read the information and understood no one foresaw the rising cost of petroleum. She said that begged the question of whenever a bid has been put in a contract and prices have gone down or they had been able to garner some type of benefit not anticipated, she does not remember they ever calling us and telling us they were going to give us a rebate. She said this was the cost of doing business. She said she was not comfortable in going back and adding money to this. She said they would then have everyone with some type of miscalculation come to them and said they had bid, the price had increased and therefore they would want to increase their price.

Mr. Hearn said his initial response was that asphalt was 94% rock and % asphalt. He said even if the oil went up quit a bit, it would not effect, at least appreciably how much we were charged for asphalt. He said when they picked up the asphalt at the plant it was 300 degrees. Mr. Hearn said the trucker driver said the biggest cost they faced was heating and drying the rock and heating it all to 300 degrees to get it to where it works. Thank is the way this whole process works.

Mr. Hearn said he had also asked how this would effect us next year. He said they bid the work in January. He said their comment to him was that they had not been given guarantees on the bulk oil that they need for more than a three or four month period because of the volatility of the market. He said it was recommended that next year they bid this in January and July.

Chairman Dunn asked about item No. 9 which was the approval of a resolution th authorize the Hospital Authority to issue bonds for Piedmont Healthcare Incorporated for funding of expansion of Piedmont-Fayette Hospital. He said the amount of the proposed bond issue was \$36, 200,000.

Commissioner Frady said he had asked that this item to be removed and that Attorney McNally make an explanation to the general public.

Attorney McNally explained that the county had to approve a bond of this nature whenever it occurred in the jurisdiction of the county to comply with Section 147F of the Internal Revenue Code. He said there was no liability at all on the part of the county. He said the sole purpose was that the public officials and the public know that this resolution was being passed in regards to the knowledge of this bonding issue. He said this

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bond was for the purpose to expand the emergency room, the CT scan, radiology and also provide a new birthing center.

Motion was made by Commissioner Frady, seconded by Commissioner Wells, to approve item no. 9 on the Consent Agenda. Motion carried 5-0.

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.

Charles Lungaro, 507 Gingercake Road, said he had appeared before the board on several occasions to discuss the subject of age discrimination within Fayette County. He said the good news was that this may be his last appearance. He said at the last meeting he made the statement that he would not stop until he received a satisfactory answer to his hiring procedures question. He said several days after the meeting he received a call from Christine Venice, County Administrator. He said this was the first communication with the county in over three weeks. He said Ms. Venice explained that the review of county hiring procedures had been performed and that the county was following all guidelines. He said he asked her about the water treatment position that was still posted on the available job list. He said Ms. Venice said she would get back to him on that subject. He said she explained that the application procedure was a long one, and they were in the process of screening job applicants. He said he believed the commissioners realized how much time and effort he had put into this inquiry. He said a pat answer that they had checked everything and everything was correct was not going to fly. He said the only way that he was going to be appeased was to see a demographic of the age group of the applicants for the two jobs he had applied for put against the age group of those that were considered qualified to be granted an interview. He said only then would he be satisfied that there was no age discrimination being practiced in Fayette County.

Mr. Lungaro said the commissioners may decide that he was not qualified to receive such information. He said that would bring us to the bad news. He said the next communications would be with the state and federal agencies that oversee the inquiries regarding age discrimination. He said he did not believe they would be so easily put off. He said to remember that he had made every effort to contain this question within the structure of the county. He said it was the commissioners that chose to ignore him for over three weeks and then issue the all too common government stamp statement that the foxes have checked the henhouse and everything is ok. Again, the ball is in your court. Thank you.

Chairman Dunn thanked him for his comments.

Marilee Gardner, 110 Rockport Trace, Tyrone. She said she was speaking on behalf of MTNA-Music Teachers National Association. She said she had been in the county for 19 years. She said she was a part-time, self-employed piano teacher. She said for years many of the piano teachers enjoyed using the library for recitals. She said about a year and a half ago that privilege was taken away from the piano teachers. She said she was told at the time it was because the policy was being reviewed due to 9/11. She said after that was cleared she called the library. She said she was informed that piano teachers could not use the library. She said they suggested she call Carol Chandler. She said she was coming before the Commissioners wanting to know

what she could do to be able to use the library. She said she had a petition from 18 piano teachers who live in the county. She said she also had a calendar of the June library schedule. She said an author from out side of the county came to library for a book signing. She said there were a variety of children's activities including a magician who is paid for parties. She said she was asking the Board to consider the piano teachers being able to hold their recitals at the library. A copy of the petitions, calendar and flyer, identified as "Attachment No. 12", follows these minute and is made an official part hereof.

Chairman Dunn thanked her for her comments.

STAFF REPORTS:

Attorney McNally: County Attorney Bill McNally requested an Executive Session to discuss one real estate and ten legal items.

Motion was made by Commissioner Wells, seconded by Commissioner Frady, to adjourn to Executive Session to consider one real estate item and ten legal items. Motion carried 5-0.

EXECUTIVE SESSION:

REAL ESTATE: Attorney McNally discussed a real estate matter with the Board.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Frady, authorizing Attorney McNally to proceed in this matter. Motion carried 5-0.

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

Motion was made by Commissioner Frady, seconded by Commissioner Wells, authorizing Attorney McNally to proceed in this matter. Motion carried 4-0-1 with Commissioner Pfeifer abstaining.

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

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

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

It was the consensus of the Board that Attorney McNally proceed in this matter.

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

The Board took no action on this matter.

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

Motion was made by Commissioner Frady, seconded by Commissioner Wells, for Attorney McNally to proceed in this matter. Motion carried 4-0. Chairman Dunn was absent for the vote.

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

The Board took no action on this matter.

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

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner VanLandingham, seconded by Commissioner Frady, authorizing the Vice Chairman to execute the Executive Session Affidavit affirming that one real estate and ten legal items were discussed in Executive Session. Motion carried 4-0. Chairman Dunn was absent. A copy of the Affidavit, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Vice Chairman Dunn adjourned the meeting at 6:15 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 15th day of December, 2005.

Peggy Butler, Chief Deputy Clerk