

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, December 15, 2005, 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

STAFF MEMBERS PRESENT: Chris Venice, 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.

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.

December 15, 2005

Page 2

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.

Chairman Dunn interjected and asked for the Board's consideration to approve the addendum for four items under the Consent Agenda.

On motion made by Chairman Dunn, seconded by Commissioner Pfeifer to approve the addendum for four items under the consent agenda. The motion carried 4-0.

Chairman Dunn remarked as everyone could see there were only four Commissioners present tonight. He said when there was not a full Board present, the applicants would have an opportunity to decline for his/her application to be decided. He said the Board would not be able to avail the applicants to that opportunity tonight because there would not be a new Commissioner until after the special election at the end of March.

PETITION NO. 1157-05:

Zoning Administrator Aaron Wheeler read Petition No. 1157-05, Nesmith Partnership, LP, Owners, and Scarbrough and Rolader Development, Agent, request to rezone 218 acres from A-R to C-S to develop a single-family residential subdivision consisting of 63 lots. He said this property was located in Land Lots 18 and 6 of the 6th District and Land Lot 161 of the 4th District and fronted on Redwine Road. He said the Planning Commission recommended approval subject to recommended conditions (3-1) and Staff recommended approval subject to the recommended conditions.

Randy Boyd said he was representing Scarbrough and Rolader Development as Agent for Nesmith Partnership who was the owner of this tract of land. He said this land had been in the people's family since January 1, 1944 which very soon would be 62 years. He said the original tract was 348 acres and about ten years ago there was 130 acres that was sold to the Board of Education. He said this left 218 acres for this project. He remarked that the property was currently zoned A-R and they were requesting tonight a zoning classification change to C-S (conservation subdivision). He said this property was currently under contract with Scarbrough and Rolader Development subject to favorable approval by this Board. He stated the Comprehensive Land Use Plan on this property showed it as rural residential which was one unit for two to three acres. He said they had prepared a concept plan approved by staff. He said this plan had been approved by the Planning Commission and staff by a 3-1 vote. He said this was the final draft of the concept plan and it consisted of 63 lots on 218 acres which was a gross density of 3.46 acres per lot. He said the conservation area amounted to 133 acres divided by the 218 which was 61%. He said the C-S zoning called for 40% and this was 21% higher than what was required for the C-S zoning. He said he had pulled up the Planning Commission portion of the Fayette County website. He remarked that there was information about the greenspace program

December 15, 2005

Page 3

here. He said he was amazed as to how this project fit into that criteria. He said under the greenspace program the Governor requested that 20% of the County be dedicated to greenspace. He said the greenspace would be 61% of this project. He said the goals of this project were to provide water protection, flood protection, wetlands protection, reduction of erosion, protection from riparian buffers and provisions for passive recreation in connecting of existing or planned greenspace areas. He said they understood that Fayette County purchased a 91 acre tract just East of this piece of property for wetlands protection and the East line of this property touched that property purchased earlier.

Mr. Boyd further remarked that in Chapter One Section IV in the new A.R.C. manual which was the technical manual there were twenty better site design practices. He said the stormwater better site design for this project would meet thirteen of those criteria. He said this would preserve the natural areas, the riparian buffers, avoid the flood plains, reduce clearing and grading, reduce roadway links, use buffers or disturbed areas and use natural drainage ways. He said in summary there were several benefits to the County. He said they would dedicate 133 acres of this project to the conservation area and it would protect two major water source supply streams which were Camp Creek and Whitewater Creek. He said this gross density was 3.46 acres per lot which was very compatible or almost twice what the subdivisions were in area of The Chimneys with 1.78 acres, Mill Pond Manor was 1.20 acres, Bretchen Park was 1.45 acres and the project North of this proposed project was Jefferson Woods and Wood Creek which was 2.1 acres. He said this project was almost twice those in three of the subdivisions which was 3.46 acres per lot. He said it was also shown on the yield plan just East of Camp Creek there was a beautiful mountain East of there. He said he had surveyed that twelve years ago when he worked for another firm and it was approximately 70 acres of useable land. He said it would be a very nice recreation area without doing any developing there could be walking trails and be a beautiful asset to the County. He said the cost of the lots would be in the \$100,000 and plus range once it was developed. He remarked that houses would be in the \$500,000 range which would be very compatible to the neighborhood. He said this would also be in harmony in keeping with the Comprehensive Land Use Plan. He said during the Planning Commission there had been some discussion about some of the conditions that staff had recommended. He said he was aware that they wanted him to state these verbally and applicant had listed the conditions that they had agreed to. A copy of the agreed upon conditions, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Mr. Boyd further remarked that under the C-S zoning this conservation area could be dedicated to the homeowners' association, the Conservation Trust or the Fayette County Board of Commissioners. He said the applicant would agree, if Fayette County needed all or part of the land for wetlands, to dedicate all of that to Fayette County only to the point that it would not encroach in part of this development. He said once the East property line was determined as to the proximity of the flood plain and what would be developed, they would be willing to donate the rest of the conservation area to Fayette County at the time of final platting.

December 15, 2005

Page 4

Commissioner Frady said he thought Mr. Boyd had addressed number 4 listed in the conditions where applicant had changed the ten (10) feet to fifteen (15) feet.

Mr. Boyd replied yes, that was correct. He said that was a suggestion that he had made because of the planting area and the staggering of trees. He said he felt like this could not be accomplished on ten (10) feet so they enlarged that to fifteen (15) feet.

Commissioner Wells questioned the issue of the performance bond as stated in the applicant's recommended conditions. She asked if the performance bond had been addressed earlier or was this something that applicant had requested to be added.

Mr. Boyd responded that they had added this in the event that they developed the property in a time of planting that would not be a good time such as right now with the property being wet. He said trees such as Leylandii Cypress would not grow in that time period. He said they would give a performance bond of 110% and do it at a later date if it coincided with putting the plat on record at the time that they could not plant. He said they had just added this to take care of that situation.

Commissioner Wells remarked that she appreciated that and remarked that this was very kind of Mr. Boyd to include that.

Mr. Boyd said he could not take credit for that. He said Ms. Donna Black had included that and he commented that she was a horticulturist.

Chairman Dunn asked if there was anyone who wished to speak in favor of this application. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve Petition No. 1157-05 with the five amended conditions, discussion followed.

Commissioner Pfeifer commented that this was an extremely difficult piece of property. He said he knew it was tough but until he read this application in detail, it was frighteningly tough particularly going up against the County's regulations on road length. He said the density fits well with the area and improves the area. He said he was very supportive of this petition.

Commissioner Wells said this project was very well done.

Chairman Dunn felt that most of the Board members had looked at this property during the years and wondered who and how the property would be developed because it was located between a school and a large subdivision. He said this project would be less dense than a subdivision and it was capable with the needs of the people around the school as well. He said the County had spent a lot of time, energy and money trying to preserve

December 15, 2005

Page 5

Whitewater Creek and the streams that run into it there. He said recently the County had purchased quite a bit of it just for greenspace and also for enhancing some passive recreation along the beautiful area there.

The motion carried 4-0. A copy of the staff's recommended conditions, staff's analysis and investigation, identified as "Attachment No. 2", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1157-05 with recommended conditions, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

PETITION NO. RDP-004-05:

Zoning Administrator Aaron Wheeler read Petition No. RDP-004-05, John Ryckley, Owner/Agent, request approval of the revised development plan from 76 single-family dwelling lots to 75 single-family dwelling lots for the purpose of developing a developed residential recreational/amenity area. He said this property was located in Land Lots 22, 23, 42, and 43 of the 7th District, fronts on Flat Creek Trail, and is zoned C-S. He said the Planning Commission recommended approval (4-0) and Staff recommended approval.

John Ryckley said he was the owner/agent for this property. He said he would like to add some more recreational facilities to Annelise Park. He said he wanted to take one lot out of the plat and use it for that purpose. He said this would create less density and would enhance the area quite a bit. He asked for the Board's consideration to approve this request.

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

On motion made by Commissioner Frady, seconded by Commissioner Wells to approve RDP-004-05, discussion followed.

Commissioner Wells felt this was a fantastic addition to a great plan from the very beginning. She said this was an admirable thing that Mr. Ryckley wanted to do to improve a good plan already.

Commissioner Pfeifer said he agreed with that.

Chairman Dunn pointed out that this was not a rezoning. He said this property had been rezoned a while back and approved a certain amount of density for this project. He said if the developer wanted to alter that, they would have to come before the Board and request it. He said the Board was always in favor of more recreation and less houses.

The motion carried 4-0. A copy of Staff's investigation, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2005-24 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE V. GENERAL PROVISIONS, SECTION 5-40. STANDARDS FOR TELECOMMUNICATIONS ANTENNAS AND TOWERS:

Zoning Administrator Aaron Wheeler said this issue regarded amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-40. Standards for Telecommunications Antennas and Towers. He said the Planning Commission had recommended approval (4-0).

Mr. Wheeler said this was an item that staff has noticed through review of the ordinance. He said by practice they required all applications for towers that did not meet the one or two mile separation depending on the location to come before the Board of Commissioners for approval. He said it was not explicitly stated in the ordinance, therefore, staff was just doing a little bit of housekeeping and listing it under that particular section so that there was no confusion between applicant and staff.

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

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve Amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-40. Standards for telecommunications antennas and towers. The motion carried 4-0. A copy of Ordinance No. 2005-24, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2005-25 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE III. DEFINITIONS, SECTION 3-22. CARE HOME.

Zoning Administrator Aaron Wheeler remarked that this issue regarded amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Section 3-22. Care Home. He said the Planning Commission recommended approval (4-0). He said this was another ordinance that in review the Staff had noticed a deficiency for the definition. He remarked that the term assisted living facility was not spelled out. He said Staff was proposing to add that into the definition. He said at the time of the definition this was not that big of a catch phrase and at the time nursing and convalescent care was more the term used. He said now assisted living was more the prevalent term and Staff wanted to add that term in.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve Amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Section 3-22. Care home. The motion carried 4-0. A copy of Ordinance No. 2005-25,

identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2005-26 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-1. CONDITIONAL USE APPROVAL, B. CONDITIONAL USES ALLOWED, 6. CARE HOME, CONVALESCENT CENTER OR NURSING HOME.

Zoning Administrator Aaron Wheeler remarked that this issue regarded the amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional uses, exceptions, and modifications, Section 7-1. Conditional use approval, B. Conditional uses allowed, 6. Care Home. He said the Planning Commission recommended approval (4-0). He said as part of Staff's review, it was felt that this needed to be tightened down in the conditional uses. He said one of the things that Staff felt was lacking under item F where it discussed central kitchen, the central dining facilities and recreational facilities were left out. He said staff was proposing to add that, as well as a requirement for twenty-four hour staff and that all facilities be connected to the main area of the building either through internal hallways, corridors, etc.

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

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to approve Amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional uses, exceptions, and modifications, section 7-1. Conditional use approval. B. Conditional uses allowed, 6. Care home, convalescent center or nursing home. The motion carried 4-0. A copy of Ordinance No. 2005-26, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the consent agenda items 1-14 as presented. The motion carried 4-0.

ANNELISE PARK SUBDIVISION - USE OF MOTORIZED CARTS APPROVED:

Approval of the specified public streets in the Annelise Park Subdivision to be authorized for the use of motorized carts per Ordinance 95-10. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT: Approval of request from the Sheriff's Department to increase Vehicle Repair 10030326-522233 by \$693.63 for receipt of insurance funds. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

December 15, 2005

Page 8

PURCHASING DEPARTMENT - IMAGANN CLEANING SERVICE CONTRACT:

Approval of recommendation from Director of Purchasing Tim Jones to extend the cleaning contract with Imagann Cleaning Service for the period January, 2006 through December, 2006 for cleaning services at the Library and the Water System. A copy of the contract, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

PURCHASING DEPARTMENT - MOTOROLA CENTRALLINK SYSTEM:

Approval of recommendation from Director of Purchasing Tim Jones to sell on E-Bay the Motorola Centralink System previously used by the 911 Communication Center. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

TAX REFUNDS APPROVED:

Approval of request for tax refunds as recommended. A copy of the list of tax refunds, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

BOARD OF ELECTIONS - MARILYN WATTS APPOINTED:

Approval of reappointment of Marilyn Watts to the Board of Elections for a term to begin on February 1, 2006 and ending on January 31, 2010.

BOARD OF ASSESSORS - KEN SPALLER APPOINTED:

Approval of reappointment of Ken Spaller to the Board of Assessors for a term beginning on January 1, 2006 and ending on December 31, 2011.

PLANNING COMMISSION - DOUG POWELL APPOINTED:

Approval of reappointment of Doug Powell to the Planning Commission for a term beginning on January 1, 2006 and ending on December 31, 2008.

BOARD OF HEALTH - DR. MICHAEL STRAIN:

Approval of reappointment of Dr. Michael Strain to the Fayette County Board of Health for a term beginning on January 1, 2006 and ending on December 31, 2011.

MINUTES:

Approval of minutes for Board of Commissioners meeting held on October 5, 2005.

ADDENDUM TO COUNTY COMMISSION AGENDA

CONSENT AGENDA:

SPECIAL ELECTION FOR COUNTY COMMISSION POST 1:

Approval of Resolution No. 2005 - 13 establishing qualifying fee for Special Election for County

Commission, Post 1 to be held March 21, 2005. A copy of Resolution No. 2005-13, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

LANDAIR MAPPING, INC. - BID AWARDED FOR AERIAL PHOTOGRAPHY: Approval of bid award to LandAir Mapping, Inc. in the amount of \$145,000 for updated aerial photography. A copy of the recommendation, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

EMERGENCY SERVICES - BID AWARD TO CARDIAC SCIENCE CORPORATION: Approval of bid award to Cardiac Science Corporation in the amount of \$34,975 for 13 automatic external defibrillators to replace original units assigned to apparatus and staff vehicles. A copy of the recommendation, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

ZONING BOARD OF APPEALS - VIC BOLTON APPOINTED: Approval of appointment of Vic Bolton to the Zoning Board of Appeals for a 3-year term beginning January 1, 2006, and ending December 31, 2008.

Commissioner Frady said he was not familiar with Mr. Bolton.

Commissioner Wells said Mr. Bolton had appeared before the Board and spoken under public comment for the Chastain rezoning request. She said she had met with him for an hour and a half and he was a very sharp young man and she was extremely impressed with him.

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:

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one legal item.

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

COMMISSIONER WELLS: Commissioner Wells said it was that time at the end of the year when the Board had to address issues that it had been considering throughout the year and struggling with. She said one of those issues was the accrual of sick leave for County employees. She said the Board had really been struggling as to what was fair and equitable for the employees but also fair and equitable for the taxpayers too. She said

December 15, 2005

Page 10

unfortunately for Fayette County there was a very unique situation. She said there were people who really loved coming to work every day. She said there was a number of employees that had accrued over 480 hours of sick leave. She said this meant that over a five year period of time they had not taken a single sick day or sick leave hour because they loved their job and they did it well. She said last year this was part of the Board's evaluation of several issues. She said anyone who accrued over 480 hours was paid half of their hourly rate for anything that they accrued over that amount. She said the Board looked at this and said this was a benefit that the County provided and not necessarily an entitlement and paying for it might not be the appropriate way to handle it. She said the Board made a decision at that point in time that the County would not pay for anything after 480 hours. She said this year the employees' paychecks who had the 480 hours and did not take it, reflected that time was actually being taken away from them. She said these employees were at work every single day and every single hour performing their job. She said each and every one of the Board members had really struggled with what to do about this. She felt because it was the end of the year and these kinds of decisions must be made, that she was presenting a three pronged proposal tonight for consideration. She said she hoped that this would be something that would help the morale of the employees who wanted to come to work every day. She said she was not quite sure why the County had to cut off this off at 480 hours. She said this could just as easily be doubled to make it 960 hours that could be accumulated. She said the County would not pay the employees for this but they could accumulate up to 960 hours. She said this would allow employees to take approximately six months off with pay if they became seriously ill. She remarked that there would be some employees such as the County Administrator position who might have to take six months off from their job thereby causing serious problems. She said those situations would have to be addressed but by the same token it would take somebody ten years to get to that point. She said if an employee worked ten years in their job and never had a sick day and showed up every day and did their job very faithfully, then some consideration should be given for that.

Commissioner Wells remarked on the second part of the issue. She said from the County's point of view, long term insurance was provided but an employee had to be ill for one year before that took effect. She said the employees could pay for short term disability and some did and some did not. She said this would give an employee six months of coverage during that period of time while they were waiting for the long term to take effect. She said during the year 2005 there were some employees who felt if their sick time was going to be taken away from them and they were not going to be compensated for it, they would just take the time and not come to work. She said she could understand that but then there were some employees who continued to come to work day after day and their paychecks continue to show that the County was actually taking sick leave away from them. She said she was proposing that employees' pay stubs be reflective this year as to whether they used up or accumulated sick time. She said if they took sick leave then it would come off their paychecks and if they did not take sick leave it would be added on to the 480 sick time hours that they started the year with.

December 15, 2005

Page 11

Commissioner Wells remarked on the third part of the issue and that was the payment an employee would receive at retirement. She said currently if an employee retired from service with the County, they were compensated \$15 per day. She said if the County compensated the employee at a rate of 25% of their current hourly sick leave balance, that would work out pretty much the same but it would just be 25% instead of \$15 per day. She felt if somebody had spent twenty years of service with the County and they had accrued ten years of not being sick at all, then that would not be an ominous burden for the County and was something to encourage each and every employee to show up every day and provide good service for Fayette County.

Commissioner Wells said she realized this was a lot of information for the Board to consider. She said she had met with several people and discussed this issue. She said she was open for any suggestions or changes.

Chairman Dunn questioned the financial difference between \$15 per day and 25% of the employee's current pay.

Commissioner Wells replied no because this would be predicated on what the employee's hourly compensation was at that point in time. She said if this remained the same, that ten years from now an employee received \$15 per day versus 25% of their compensation, they would really take a huge hit as the value of money decreased over the years. She felt this was something that would stay in touch with inflation.

Commissioner Frady asked how long ago the sick leave policy had been changed.

Commissioner Wells replied that the sick leave policy had been changed at the beginning of 2005.

Commissioner Frady said he was not saying that he was not agreeable to this, but he would like to sit down and talk with Ms. Venice and see exactly what this would mean for the County. He said he would like additional time to review this.

Commissioner Wells remarked that would be fine. She said the Board had been discussing this during the year and she felt there were some employees whose morale was being hurt. She said a lot of employees who might not feel well but were coming to work anyway. She said not only could they not accrue their sick leave but it was actually being taken away from them. She said on their paycheck it showed that they were taking sick leave when in fact they were at work doing their best every single day. She said she was very much in opposition for the County to pay employees and buying back their sick leave after 480 hours. She said she did not feel comfortable about doing that. She said she was not proposing that at all. She said this proposal would do away with that concept completely and yet would not penalize the employees who were dedicated to doing a good job.

Commissioner Frady asked how many sick leave days an employee earned every year.

December 15, 2005

Page 12

Ms. Venice replied twelve days.

Commissioner Frady clarified that Commissioner Wells was suggesting the number of hours that an employee could carry for sick leave be increased.

Commissioner Wells responded yes, that was correct.

Chairman Dunn said the 960 hours would double the current 480 hours figure.

Commissioner Wells replied yes that was correct but added that it would take an employee ten years to get there.

Chairman Dunn felt Commissioner Wells was also suggesting that the County go back and give the employees the days that they lost as a result of reaching the 480 hours mark.

Commissioner Wells remarked that in 2004 employees got paid half of their hourly wage for any hours over 480. She said this took the employees back to the 480 hours mark. She said every employee who was in that category on January 1, 2005 started with 480 sick leave hours. She said if an employee had not been sick even one hour this year at all, then their paycheck would indicate on a monthly basis the increment of 3.5 hours per month that an employee had actually taken 3.5 hours of sick leave. She said the next month an employee was at work every day, their paycheck would indicate 3.5 hours of sick leave had been taken. She felt those employees who did not use sick leave during the year should be credited for these hours. She clarified that the employees who took sick leave in 2005, then that time was gone and used.

Commissioner Frady said he was not quite sure of what the employee's paycheck indicated as far as sick leave. He said an employee was not receiving less salary.

Commissioner Wells replied this only affected an employee's paycheck regarding sick leave hours. She said the employees having over 480 hours of sick leave hours had paychecks indicating a minus 3.5 sick leave hours every month when in fact they had worked every day. She said this in no way affected an employee's pay.

Chairman Dunn clarified that Commissioner Wells was suggesting the sick leave hours be increased from 480 hours to 960 hours. He said this would not have any impact on how much the County would basically buy back when the employee retires.

Commissioner Wells remarked the County would buy back 25% of the 960 sick leave hours if that was what an employee accumulated. She said the County would net the same.

Ms. Venice remarked when an employee retires which would mean twenty-five years of service the policy reads something to the effect that an employee could be paid for 50% of their sick leave hours on hand which would be 240 hours of the 480 hours. She said this

December 15, 2005

Page 13

would still be 240 hours but it would just be worded 25% of 960. She said this was still 240 hours and it would not cost the County anything additional.

Commissioner Wells said it was just based on the 960 hours rather than the 480 hours.

Chairman Dunn said he understood the psychological issue but felt the big benefit was that any long term employee who might get an extended illness would be taken care of for a much longer period of time.

Commissioner Wells said this was something that an employee could not just run out next week and be able to take advantage of because it would take an employee ten years to accumulate this time.

Chairman Dunn clarified that the credits would be put back in for the employees having over 480 sick leave hours and Commissioner Wells said that was correct.

Commissioner Frady said he would like to discuss this further with Ms. Venice.

Commissioner Wells suggested this item be tabled to the January 4, 2006 Board of Commissioners' meeting.

Chairman Dunn said he was pleased with this concept and he would support it.

It was the consensus of the Board that this item be discussed further at the January 4, 2006 Commission meeting.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss two legal items. The motion carried 4-0.

LEGAL: Commissioner Pfeifer and Attorney McNally reported to the Board on a legal item

The Board took no action on this matter.

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

It was the consensus of the Board for Attorney McNally to proceed in 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 two legal items were discussed in executive session. The motion carried 4-0. A copy of the Affidavit, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

December 15, 2005
Page 14

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:15 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 12th day of January, 2006.

Karen Morley, Chief Deputy Clerk