

The Board of Commissioners of Fayette County, Georgia met in a Special Called Meeting on Monday, August 20, 2007, at 8:30 a.m. in the Commissioners Conference Room, Suite 100, at the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Jack Smith, Chairman
Herb Frady, Vice Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer

STAFF MEMBERS PRESENT: Jack Krakeel, Interim County Administrator
Carol Chandler, Executive Assistant
Peggy Butler, Executive Assistant

Chairman Smith called the meeting to order.

FURTHER DISCUSSION OF A PROPOSAL TO FILE A REQUEST WITH THE GEORGIA REAPPORTIONMENT SERVICES OFFICE AND THE DEPARTMENT OF JUSTICE FOR THE REDISTRIBUTION OF POPULATION AMONG THE THREE COUNTY COMMISSION DISTRICTS:

Commissioner Frady said the issue of redrawing the maps for the current districts for reapportionment purposes and no other purposes. He said there were 14,500 voters in Commissioner Pfeifer's district, 27,000 voters in his district and 21,000 in Commissioner Horgan's district. He said they were trying to equalize these districts to have approximately the same population figures. He said the map had been redrawn and now was within approximately 1,000 people per district of having the same number of voters. He pointed out that no voting precinct changed until the map had been sent down to the Reapportionment Office to get their input on this. He said that Office moved two lines involving the 25th voting precinct into the third district and had moved the line from Ebenezer Church Road back over to the original line which was located at a creek. He said this was based on the 2000 census figure of 91,000 people and applied that figure to those precincts. He said this was the reason for moving the two lines. He said this map would of course have to go to the Department of Justice and the Reapportionment Office. He said he would like to recommend sending this new map to the Georgia Reapportionment Services Office and the Department of Justice for the redistribution of population and have the Attorney prepare the necessary documents for submitting legislation for approval.

Chairman Smith remarked that the Department of Justice had not seen this map yet and Commissioner Frady said that was correct. He said he had misspoken on Saturday when he was talking about this issue and he stood corrected.

Chairman Smith further remarked that the voting districts have been out of balance for some time and it was because of growth and development of the County and not being balanced among the district lines.

Commissioner Frady remarked that the Board had tried to reapportion these lines in 1992 but it did not go through. He said one of the issues for getting this map redrawn was the use of old militia lines. He noted that only two Georgia Counties still used militia lines.

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Chairman Smith asked if the new lines were based on census tracts.

Commissioner Frady replied yes, they had used the census tract for the year 2000.

Chairman Smith clarified they had used census tracts based on population instead of militia districts based on voters. He said the map that had come through the reapportionment office was based on those two changes.

Commissioner Frady said he would like to make a motion.

A motion was made by Commissioner Frady and seconded by Commissioner Maxwell to file a request with the Georgia Reapportionment Services Office and the Department of Justice for the redistribution of population among the three County Commission Districts and to have the Interim County Attorney prepare the necessary documents for submitting legislation for approval in the 2008 Session of the General Assembly, discussion followed.

Commissioner Pfeifer said this was a very important issue and he had several questions for the Board. He asked why this change was so necessary at this time. He said these lines have been place for many decades. He said the citizens of Fayette County were not having any real problems that were being caused by the existing district lines but perhaps some politicians had their own problems with it. He asked why there was such a great rush to change something that had existed for many years and send this to a State Legislature that would not even meet until next year. He said if there was no rush to do this then why was this done in isolation from public input and presented at a County Commission retreat held sixty miles away from Fayette County on Wednesday and then attempted to be adopted at a Commission meeting the very next day. He said this item originally had not been on an agenda or publically anywhere for a vote. He asked why, after he had requested that the item be tabled, was it sent to a called meeting on a Monday at 8:30 a.m. instead of going on a regularly scheduled meeting in the evening where the average citizen could attend. He noted that the last time the Commission had discussed making changes there were three public meetings held at three different locations around the County to receive input from the public. He asked why this had not been done this time by this Commission. He asked why a Commissioner who was up for re-election next year committed to redraw the district lines for an entire County of over 100,000 people in a manner that perhaps could be a direct benefit to his re-election campaign. He asked why this Commissioner had placed the lines where he did and why his opponent in the last election end up being drawn out of his district. He asked why this Commissioner felt it would be alright with the rest of the Commissioners. He asked if this Commissioner had discussed this with the other Commissioners and why did he feel he could take it upon himself to contact one of the State Representatives, State Reapportionment Office and submit this through a staff member. He asked why this entire process been done without the benefit of legal advice that was for the citizens of Fayette County. He said the information presented thus far was from State and Federal bureaucrats.

Commissioner Pfeifer further remarked that before the rash decision to fire the County Attorney, this Board would have received some advice regarding the Department of Justice. He said the former County Attorney's official advice had been that the County would be opening itself up to district voting if it proceeded with revising

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the district map. He questioned if this was the reason the County Attorney had been fired because he had given advice to someone that did not fit their plans. He said he was sure there would be some political battling this morning and this would be followed up by a 4-1 vote. He said his last question was who was this Board.

Commissioner Maxwell said this Board had plenty of time to discuss this issue and was not inclined to respond to Commissioner Pfeifer's comments at all.

Commissioner Frady said the County Attorney's Office had written a letter to the Board refusing to do work for the County.

Commissioner Maxwell interjected that this Board did not fire the County Attorney. He said the motion was clear and that was that the legal services would be done through an in house attorney and there was never any mention of firing the County Attorney. He said when this Board offered the McNally Firm the rest of the County's business, they quit. He said this Board received a letter from the McNally Firm stating that they quit. He said he wanted to make it clear what happened. He asked Commissioner Pfeifer for a suggestion as to what he would like to see done.

Commissioner Pfeifer said this should take a considerable amount of time and not just a week or two to discuss.

Commissioner Maxwell said this was the way the government worked. He said there were five County Commissioners who have all studied this issue. He said he comes to his office here at the County complex and studies his information. He noted that Commissioner Pfeifer did not come to the County offices and spend a lot of time other than coming to Commission meetings. He pointed out that Commissioner Frady was at the office almost every day, Commissioner Horgan and Chairman Smith as well. He said it had been the third time this issue had been on an agenda over a period of several weeks. He asked Commissioner Pfeiffer for his suggestions on how to handle this. He said this was just a realignment to do numbers and that was it. He said it puts approximately 21,000 voters in each district. He asked Commissioner Pfeifer if his suggestion was to leave the districts unbalanced where his own district would only have 14,000 voters. He said Commissioner Pfeifer wanted to keep his district small because this would cut the number of people who might run against him.

Chairman Smith felt it was clear from historically speaking there should be a balance of the districts. He said there originally was a balance and these districts were balanced in the past. He said the fact that they had been unbalanced for this long should give the Board cause for concern. He said the whole idea behind balancing the districts was to try and get the voters to have a reasonable representation from each Commissioner.

Commissioner Pfeifer interjected that this was not the issue because each Board member represents all of the citizens in Fayette County. He said districts were required in order for a Commissioner to run for a specific post seat.

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Commissioner Maxwell remarked each Commissioner on this Board represented every citizen of Fayette County and that was not a question. He said currently there were 14,000 people in Commissioner Pfeifer's district who could run for his office seat but there were 27,000 people in another district who could run for a Commission seat. He said by having a low number of 14,000 would disenfranchise the ability of other people to run for Post 3. He said this puts a majority of people up in post 2.

Commissioner Pfeifer said there were two problems and they were (1) how the map was drawn and by whom and (2) the County had no legal advice as to what the Department of Justice was going to say or do.

Commissioner Maxwell remarked that the State of Georgia had redrawn the map.

Commissioner Pfeifer interjected that the State had redrawn Commissioner Frady's map. He said the last legal advice that the County had gotten on this issue was that the Board not do this.

Commissioner Maxwell remarked that the official advice that this Board had received was that this might open a "can of worms" where the Department of Justice might want to slice Fayette County up into various districts so that one Commissioner could represent the Northwest, Southeast and so forth.

Commissioner Frady interjected that every citizen in this County should have the right to run for public office. He said he would never tell anyone not to run for his district seat. He encouraged anyone who wanted to run for his seat to do so.

Chairman Smith interjected that the Agenda for this meeting did not have a section for public comment. He noted that there were some members of the public present and he would be interested in hearing their comments.

It was the consensus of the Board to allow public comment at this time.

Chairman Smith asked if anyone wished to address the Board at this time.

Judith Moore said she and her husband had lived in North Fayette County for more than 20 years and two of their children live here and they were raising their families here. She said today the Board was voting to ask for a much needed redistricting of Fayette County. She said it was the Board's stated public motivation to correct the current imbalance of the number of citizens in each County district. She said, however, there was another motivation that this Board would not be talking about today and that was the issue of race, pure and simple and also keeping the Democrats out of Fayette County. She felt that this Board of Commissioners should go on record that it believed that a Republican Board of Commissioners should do everything possible to ensure that every voice was heard within the hollowed walls of these chambers. A copy of her statement identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Commissioner Frady asked Ms. Moore to state her position in Fayette County.

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Ms. Moore replied that she was a housewife, a grandmother and a mother and did happen to serve as Chair of the Fayette County Democratic Committee.

Alice Jones remarked that she was Vice President of North Fayette Community Association. She said she was speaking as a taxpayer of Fayette County. She said she was a retired tax auditor and had worked in the accounting field for over 30 years. She said she was not present as an advocate for an African American to serve on the County Commission. She said she was present as an advocate for someone to truly represent her in her district. She said with that in mind she would like to offer a resolution to what had been presented here this morning. She said she was proposing a resolution to request implementation of district based voting in Fayette County, Georgia and for other purposes. She presented the Board with a copy of the proposed resolution and read the resolution into the record. A copy of the resolution, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Ms. Jones said this Board was actually doing what had been done in history and that was redrawing and just moving populations. She said the 2000 census did not clearly give the current population in Fayette County. She said in just the area that she lives in the growth was tremendous. She said this Board needed to have a futuristic look for this County and not just someone's selfish modes or concern with being re-elected. She said her problem was that they needed true representation and she was proposing futuristically five single member districts with five commissioners with two at large commissioners. She said that was her proposal today.

Isaac Goldburn said he was interested in some of the questions and comments that Commissioner Pfeifer had and the way in which these were met with some confrontation. He said he was very concerned about the secrecy of the haste in the process as opposed to a clear transparency. He said Commissioner Pfeifer said he was attacked on the selfishness and he was not sure where this had come from. He said he lived in Clayton County for fourteen years and was a very active part of what occurred there. He said there was the very same mind set that was at this table today in this room was what was there fourteen years ago. He said if there was underlying motives or agendas for the haste and secrecy of this issue as it goes to district voting, he did not understand the resistance to district voting. He said there was clearly something going on that the public was not totally privy to from the top to the bottom of this County. He said when Ms. Moore said firstly she was a wife, mother, grandmother and citizen of Fayette County and then came her position of Chair of the Fayette County Democratic Party, and Commissioner Frady pointing out that she had not mentioned her position in the Party that said a lot about Commissioner Frady. He said he agreed that the 2000 census population figures were irrelevant now. He said the population in the northern portion of the County had increased dramatically in the last few years. He said he had lived in Fayette County for the last three years and he was planning to stay for many more.

Angela Hinton Fonda said she found it interesting that this Board was proposing to reject an antiquated post revolutionary war districting plan. She said the plan that was proposed was conspicuously lacking in district based voting. She said at large voting was mob rule. She said the founding fathers rejected that premise in

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favor of representative and accountable government. She asked that the Board end the Colonial era in Fayette County and implement truly representative and accountable government by district based voting.

Chairman Smith asked if anyone else wished to speak.

Alice Jones remarked that several people had said this would open a "can of worms." She said this had been the historical basis for not redrawing the lines. She asked exactly what this would open up if the Board allowed the Department of Justice to draw the lines.

Executive Assistant Carol Chandler said she wanted to clear up one issue and that was the use of population figures. She said the Reapportionment Office told her that they were bound by law to do it that way and they use the most recent available census data. She said they admit that this information is seven years old but this was the data that they must use when they apply their work to a map. She said this was not something that this Board had any control over.

Chairman Smith said he would like to address the issue of opening a "can of worms." He said currently there were three districts and those districts were admittedly unbalanced. He said "can of worms" that was being discussed was two-fold. He said (1) it was a disenfranchisement of those who were elected to serve the people and (2) it was a potential disenfranchisement of the citizens looking at their particular representative. He said based on the current map there could be the potential of the Department of Justice coming in and completely changing the map as opposed to what this Board had tried to do and that was just to adjust it to try and get the population balanced. He said it was unknown what the Department of Justice would do. He said they might take the County and divide it vertically instead of horizontally. He said to do that would change the representation that each of the current Commissioners have. He said it was unknown if that would be a good thing or a bad thing but it was different. He felt the biggest fear was that this would dramatically change the current system. He said most of the time what was seen was change on a major scale not being particularly good. He said nobody in this room could predict what the Department of Justice would do other than it might be dramatically different. He felt this was the reference that was being made. He said to his knowledge in private conversations with the Board and in public conversations with the Board there had never been a comment made about race, religion, ethnicity with regard to anything that this County did. He said the decisions that this Board makes were made to benefit the County as a whole. He said this Board did not care where people lived or what color they were but it did care about making the best decisions for this County and this was what the Board had tried to do despite the allegations that there would be a racial overtone. He said he was unaware of any of that with any of the members of this Commission. He said he understood that some citizens did want district voting but that was something that this Board was not ready to tackle at this point. He said this was something that the citizens of Fayette County had not told the Board of Commissioners that they were interested in doing. He said he was reluctant to go forward to a district base that was being discussed when he did not have a basis to do that. He said there was no information that showed any disenfranchisement of any group in this County. He said he was reluctant to change the system because of the allegations that had been made without any factual data being presented to give this Board an opportunity to address.

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Commissioner Frady said he did not think that this Board was concerned about the “can of worms” because it was willing to put this forward and take the chance that this would be done. He said there was only one member of this Board who had objected to do this. He felt this member did not want to see these districts changed or even put forward so they might even be changed by the Department of Justice. He said the other members of this Board did not object to this and were not holding back.

Commissioner Horgan felt this Board should be commended for taking this proactive stand and not be ridiculed for trying to make things fair in this County. He said there had been many discussions about this and nothing was ever said as far as having more people in a particular district. He said the issue was one of making it more fair and having better representation of the County. He said he held several town hall meetings in the Northern end of the County and thirty people showed up. He said he had representatives from every County department present to answer questions that any citizens might have. He said nobody showed up for these town hall meetings. He said he finds it hard to believe that end of the County did not have appropriate representation. He said there were a lot of people with issues in the County but they needed to be brought forward so this Board could address those issues.

Commissioner Maxwell said he agreed. He said before he and Jack Smith had taken office, Commissioner Horgan had held a town hall meeting at the fire station in the Northern part of the County. He said all five Commissioners in this room tonight attended that meeting. He noted that he and Chairman Smith had not even been sworn in yet but they were there. He said when he gets a phone call or an e-mail he responds to those and he had not missed any yet. He said he agreed that he did not want this County to be another Clayton County and that did not have anything to do with black, white or anything of that nature. He said he was referring to murders and crime. He said just last week there was an armed robbery at the South part of Fayetteville. He said he had lived here since 1972 and this was the first one that he could recall. He said he did not want to live in that environment. He said the citizens of Fayette County did not want murderers, armed robbers and things like that. He said this was absolutely not a race issue in this County but a crime issue. He said this Board was going to do everything possible to keep crime out of Fayette County. He said this Board was willing to take a stand, move forward and take a risk. He said Commissioner Pfeifer wanted to take the advice of the former County Attorney and that was to do nothing. He said this was not a “do nothing” Board.

Chairman Smith clarified that the motion was to file a request with the Georgia Reapportionment Services Office and the Department of Justice for the redistribution of population among the three County Commission districts and to have the Interim County Attorney prepare the necessary documents for submitting Legislation for approved in the 2008 session of the General Assembly.

Commissioner Frady remarked that the Attorney would draw up the necessary transmittal papers.

Chairman Smith called for the vote.

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

JAMES K. "CHIP" CONNER APPOINTED TO THE FAYETTE COUNTY WATER COMMITTEE:

Commissioner Frady said Chip Conner had contacted him about three or four weeks ago and offered his services to serve as a member of the Fayette County Water Committee. He said Chip was a former Mayor of Peachtree City and a former County Commissioner. He said he would like to make a motion to appoint Chip to serve on the Water Committee.

A motion was made by Commissioner Frady and seconded by Commissioner Horgan to appoint James K. "Chip" Conner to the Fayette County Water Committee, discussion followed.

Commissioner Maxwell remarked that Mr. Conner already had some history with the Lake McIntosh project.

Mr. Conner said he was actually the person who started the ball rolling on Lake McIntosh in 1976.

Commissioner Maxwell asked for Mr. Conner's background.

Mr. Conner responded that he had an engineering background, was project manager for Peachtree City when it first started. He said he pumped the first gallon of water into what was now the Fayette County Water System. He said he had been involved in some form with the Water System since its inception. He said he was a member of the very first Water Board. He said he felt he could bring his expertise to the Water Committee and he would love to serve.

Chairman Smith asked for the Board's pleasure in this matter.

The motion carried 5-0.

Chairman Smith announced that there were some items that were originally scheduled to be discussed at the County Commissioners' Annual Planning Retreat on August 8 but time did not allow completion of the Retreat Agenda. He said the Board would try and address those issues at this time.

JUDICIAL CIRCUIT CONSIDERATIONS REGARDING THE DISTRICT CIRCUIT AND CURRENT CIRCUIT FUNDING; MAGISTRATE COURT CONSIDERATIONS FOR FULL-TIME VS. PART TIME SPACE UTILIZATION:

Interim County Administrator Jack Krakeel remarked that this was one of the items that the Commissioners had indicated that they wanted to discuss during their retreat process. He said currently Fayette County was probably only one of the counties left in the metropolitan area that was a part of a multi-county circuit. He said the current total expenditures for the court system in Fayette County was approximately \$5.1 million. He said during the budget process there was significant discussion as to how costs were apportioned and allocated between the various jurisdictions with Fayette County having approximately 49% of the overall population of the circuit. He said the cost of the salaries for the judicial officials were borne by allocating the cost according to population and then the operational costs were based on caseload. He said he had met this past week with the County Managers from Pike County, Spalding County, and Upson County as well as the indigent defense staff including Sharon Lunsford as well as Attorney Joe Saia and looked at the current methodology for

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allocating expenses. He said there was significant concern about how they arrived at the case load numbers. He said based on the discussions that were held last week there did appear to be a consensus to use a common approach to identifying cases. He said if that approach was implemented, it would actually mean a reduction of approximately 4.5% for Fayette County where it was currently bearing approximately 32.5% of the operating costs of the indigent defense program for the Circuit. He said it would be reduced to 28% for operating costs. He said there was a general consensus among those participating in the discussion that the case load had a methodology for determining what operating expenditures would be implemented in fiscal year 2009. He said it was agreed at the meeting to have additional meetings in terms of looking at the other courts and services in the Judicial Circuit and how the County could provide allocating expenditures with the District Attorney's Office as well as the Superior Court system.

Chairman Smith asked Commissioner Maxwell for his expertise on this issue.

Commissioner Maxwell remarked that the Board at some point would have to discuss all three of these issues and how they mesh. He said the Board would recall back in January and February of this year Commissioner Frady had asked that a study committee be formed to review the judicial center space since the third floor of that facility had not been built out. He said he was on this committee and through discussions it came to the forefront that it would really make a difference if the County would have a separate circuit or it would be the Griffin Judicial Circuit. He said if the County kept the same system that it currently had with four Superior Court Judges who work for Fayette County. He said there had been a preliminary study done approximately six to seven years ago that was done by David Ratley suggested the County stay with that system. He said with the current system remained with four judges then in the future with the caseload increasing there would be a problem with sharing space. He said he did not know of any other counties where judges were sharing courtrooms. He said generally judges have their own courtrooms. He said as Fayette County continued to grow, there would need to be designated courtrooms for each of the judges. He said the judicial facility had a third floor that had not been built out and this would allow for expansion for courtrooms and things of that nature. He said the Magistrate Court was bursting at the seams with four Magistrates and one courtroom. He said there were studies that have been done that would give the Board an idea of the volume on these caseloads. He said the split of the Circuit was not a large issue to him and he felt this was something that this Commission needed to address if the numbers justified it. He remarked that Fayette County was the only county without a single circuit. He noted that Walton County and Newton County had split as of July 1st and their population base was smaller than Fayette County. He said when a circuit was actually split it would cost the State of Georgia money. He said there would be a second District Attorney, Juvenile Court Judges were funded, the circuit Public Defender which would result in some expense to the State. He expressed concern with the expense to the County. He said he would like to propose preliminarily before getting to the spacial utilization of the courthouse would be a financial type analysis of the circuit and what the cost would be for the State versus what the County would have to fund under both systems. He said he would like to see a study committee to investigate this further. He said there were certain individuals who would have an interest in this who should be included in this process. He felt there should be representatives from the Superior Court Judges Office, Clerk of Superior Court Clerk's Office, and possibly some citizens. He said the local Bar

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Association had expressed an interest in this issue and he felt the services should be delivered locally instead of the way it was currently done.

Commissioner Frady felt a determination needed to be made on the current cost to the county below the revenue line.

Chairman Smith asked Commissioner Maxwell if he envisioned staff doing the financial analysis and give that information to the committee.

Commissioner Maxwell stated that he was proposing that staff do this. He remarked that David Ratley works for the Administrative Office of the Courts (AOC). He said the only criticism of how this analysis was done was that the result was predetermined before the study was done but he did not feel that David Ratley should be excluded or the Superior Court Judges. He said he did not know the funding formula for District Attorneys. He said currently Fayette County shares one District Attorney with four Counties. He felt a relatively easy financial analysis could be done. He remarked that the State pays 100% of the Juvenile Court Judge's salary and this County was essentially funding two part time Juvenile Court Judges out of County funds although these were shared with the other three counties. He said if Fayette County had its own circuit the entire amount for Juvenile Court Judge would be paid by the State as opposed to the County putting in \$40,000 or more for associate judges. He said courts were not in the business to make money.

Chairman Smith asked if there was a way to measure the service aspect of this as opposed to just a cost aspect.

Commissioner Maxwell said there was a formula out there that would show the number of cases that the Superior Court Judge in Georgia handles on average and how Fayette County ranks as well.

Chairman Smith asked if it would make more sense to have staff prepare the financial analysis and let the Board review that first before proceeding.

Commissioner Horgan asked if each county had one type of lawsuit that was heard more than others. He asked how this would hurt or help with a subsidy.

Commissioner Maxwell said all of the counties were different. He said because of population, Fayette County was half of the circuit. He said Fayette County did not have as much of a criminal case load that Spalding County has. He said the case load for the Superior Court Judges in Spalding County would be heavy just because of the demographics there as opposed to Fayette County who has the bulk of cases being domestic cases. He said currently Fayette County had four Superior Court Judges and was not line for a fifth judge. He said currently Fayette County was below the number of cases in the Griffin Judicial Circuit. He said there was only one Fayette County Superior Court Judge who currently lived in Fayette County. He said this was Judge Edwards and he would be the Judge who would be in Fayette County. He said if the district was split

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the other three judges would have an opportunity to move to Fayette County and then to be Fayette County Judges.

Commissioner Pfeifer asked if this issue had been generated by the Griffin Circuit itself by State direction or by whom.

Commissioner Maxwell remarked that approximately four to six years ago the local Bar Association had gotten interested in this issue of splitting the circuit. He said at that meeting without exception everyone wanted to study this issue. He said the Fayette County Bar Association then put together a committee. He said this committee did its own analysis and came up with policy arguments on why Fayette County should be separate from the Griffin Judicial Circuit. He said that was a different analysis from a financial analysis. He said he felt the financial analysis needed to be done before the policy issue was discussed. He said there was legislation that had been drawn up and at the last minute there was a movement by Representative John Yates from Griffin to "kill" it because of some figures of how much it would cost the State of Georgia.

Commissioner Pfeifer asked if the Board could get information on the Walton County split.

Interim County Administrator Jack Krakeel replied that Walton County was going to try and provide that to this Board.

Chairman Smith suggested that the Board direct staff with the oversight of Interim County Administrator Jack Krakeel to do an analysis for both of these including the circuit split and the Magistrate issue. He said he would like to have some in house generated independent numbers to give the Board an indication of where the County was financially. He said this issue could go on a future agenda to discuss whether or not the Board should proceed.

Commissioner Pfeifer said he would assume that splitting the circuit might have a tremendous impact on the Magistrate Court issue as well.

Commissioner Maxwell said in 1982 Fayette County went from a Justice of the Peace system to the Magistrate Court System. He said there were four Justices of the Peace and the Legislation turned them all into Magistrates. He said all four of the Magistrates were coming up for re-election next year and he was not sure that the Board could complete everything in the process before this election occurred next year.

Chairman Smith said the issue of whether there needed to be one full time Judge, two full time Judges or part time Judges or whatever. He said there was more to it than just the financial aspect.

Commissioner Maxwell remarked that when this was originally created as a part time court and with Fayette County's population base of less than 100,000, a Magistrate could be a non-attorney. He said traditionally Fayette County has had non-attorney Magistrates. He said currently there were three attorney Magistrates

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and one Magistrate going through some legal training. He said with a salary of \$18,000 per year and the work involved it was hard to find individuals to serve as Magistrates.

Chairman Smith asked Commissioner Maxwell if he would propose putting a committee together after staff has completed the financial analysis and also what the most appropriate structure would be for obtaining Magistrate service in Fayette County.

Commissioner Maxwell said the financial analysis should be done first before anything was decided.

Chairman Smith said he had spoken to a lot of attorneys on this issue and he could not find a consensus of opinion.

Commissioner Pfeifer said he was interested in getting input from non-attorneys and people who have to use the system.

Chairman Smith asked if the financial analysis would be done on two full time Judges versus four part time Judges or would it be based on one full time and one part time Judge. He said this was the "tripping stone" for where he was in this issue. He said he understood the financial analysis but questioned what the Board was going to analyze.

Commissioner Horgan asked if the cases that were coming into Fayette County would have a bearing on this issue.

Commissioner Maxwell remarked that the kinds of cases that were going to come were going to be first appearance criminal cases and then the "Judge Wapner" type cases. He said the Magistrate Court would hear claims up to \$15,000.

Chairman Smith asked if the committee should consist of citizens, attorneys, business people or what.

Commissioner Maxwell replied that he did not know if he could answer that question. He said he knew there was a problem with the current system that needed to be addressed. He said because of the 100,000 population base there would probably be four attorneys in these positions to include certain benefits that would come with the job. He said there could be one Chief Magistrate who would then appoint all of the back up Magistrates. He felt this was one where there would be a substantial number of assistant Magistrates called from time to time because of the weekend work.

Commissioner Frady felt the Board needed to get the Interim County Attorney to provide an opinion of how this would go through the Legislature for a change. He said that process would need to be researched.

Interim County Administrator Jack Krakeel said staff could research this issue with other communities to see what the current practice was and what their case loads were.

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Chairman Smith said he would agree that Interim County Attorney Don Comer would need to get that information but he felt it was preliminary at this point until the Board determined what it wanted to do.

Commissioner Frady said if this could not be changed before the next election cycle, then nothing could be done for the next four years.

Commissioner Horgan asked if there was a Board consensus that the third floor would just be for the judicial system and not moving personnel offices or anything else to that area.

Commissioner Maxwell said if the circuit was split there might be extra space at the court house.

Chairman Smith felt it was premature to discuss the space utilization until the Board gets more information.

Chairman Smith called for a short recess.

DISCUSSION OF FUTURE INDUSTRIAL PARK:

Chairman Smith said Fayette County had been blessed with an industrial park that was provided primarily by the developer in the master plan for Peachtree City. He said that park had served the County well and without any cost and had provided benefits to the County in the form of taxation, employment for citizens and without any cost to the County in terms of actual land cost or development cost. He said at one time there was a plan to put an industrial park in the County's Land Use Plan somewhere in the Brooks area. He said that Plan was changed several years ago primarily because of the wishes of the Brooks community not wanting an industrial park in their area. He said the Town of Tyrone had an industrial area consisting of primarily small businesses and was mostly full at this point in time. He said during the last five to seven years the industrial park in Peachtree City who has been the mainstay of Fayette County's industrial land has continued to fill up. He said the land there was rapidly dwindling. He said the County's industrial/commercial tax base as a percentage of the total taxes had decreased approximately 6% to 7% over the last ten years. He said this was an indication to him that the County was losing its balance. He said the County had reached and surpassed the point at which the time frame it would take the County to develop an industrial park so that the industrial growth continued has already passed. He said the County was in a position now that at the average consumption rate of industrial land, the County would run out of industrial land before it could possibly get another alternative industrial park developed and ready to sell to new businesses. He said the County was starring at a situation in which the failure to make some provision for another industrial park would further exacerbate the current tax problem when talking about balancing the tax digest. He said the County was looking at a situation in the next three to four years there would be no industrial park land for which to locate new industrial/commercial activity and this would really create a nightmare in taxation when that cessation of commercial/industrial occurs. He said this would force homeowners' taxes to rise dramatically to make up for the cost of services.

Chairman Smith said he wanted to put this item on the agenda for discussion since the County was being put in a position to discuss if anything as to what it should do about providing an industrial area in addition to the dwindling industrial area currently in Peachtree City. He said inherent in that were other issues that would

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have to go along with that discussion. He said if there was another industrial park, how would the County provide for the services that area would require. He said the primary service that was the largest issue was sewer. He said the question needed to be asked as to whether an industrial park could be put on septic tank service, field spray application, or possibly joint partnership with Peachtree City, Fayetteville, Fulton County or Coweta County to have some type of joint park or development. He said it was imperative that the County realize that there was a problem; this issue is past due and it was being addressed; and the Board would plan for exactly what would need to be done to resolve what it would see as a "brick wall" that was very close at hand. He said this was the reason he wanted to discuss this item with the Board.

Chairman Smith remarked that approximately five years ago the Development Authority did a study of what would be acceptable industrial sites within Fayette County so they could determine feasibility and probability of development. He said the Development Authority was told at that time that the County Commission had no interest in an industrial park and if an industrial park was to be acquired or expanded that it needed to be done by private industry and private developers much the same way that Peachtree City's development had occurred because the developer was interested in an industrial park to help sell lots. He said the Development Authority actually engaged conversations with approximately eight developers who were of a financial ability to make something like this happen. He said the Development Authority was told that while Fayette County was a lucrative place and certainly expanding and they could develop a park here and make it financially worthwhile, the financial ability to do that was marginal at best and there were other areas around metro Atlanta that held a much more lucrative financial component than doing a development in Fayette County. He said for that reason they declined to participate in doing any kind of industrial development in the County and not because it was not financially feasible but because it was more lucrative financially to do that development in another location. He said that had not solved any of the problems and the County was still in the same situation now. He said a lot of people think of industrial development as "smoke stacks" but that was not what Peachtree City's Industrial Park was about. He said the Development Authority had done and was doing an excellent job of screening the type of industry that he felt was good for Fayette County. He said there not a lot of "smoke stacks", hazardous materials and hazardous businesses. He said the industry was pretty much clean industry and a lot of it was along the lines of distribution and had a high wage scale.

Chairman Smith felt the question before the Board was what needed to be done about the rapidly depleting land supply for an industrial park. He asked if this County should start an industrial park as most counties have already done in an effort to keep the tax base somewhat balanced or not.

Commissioner Horgan commented on the proposed industrial park for Brooks and the citizens not wanting it. He said not only did the community not want this but it was also unfeasible to do that because it would not have been near any major highways or airports.

Chairman Smith remarked that transportation was a problem for locating industrial sites in the County. He said there were only about a half dozen locations that the developers agreed were feasible for Fayette County to have an industrial park located and those areas were disappearing as a result of development and also

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becoming less feasible as time marches on simply because the cost of the land involved was escalating as Fayette County continued to build out.

Chairman Smith said the fundamental issue before the Board was whether or not this Board, being the representatives of the tax paying citizens of Fayette County, were willing to levy a tax of some sort in order to purchase industrial land that could be developed which will in the future ensure that the tax base in Fayette County remained somewhat balanced or whether this Board was unwilling to make an investment in industrial land now to prevent future increases that would result if there was not a balance in industrial growth.

Commissioner Maxwell said in looking at the County map he had a problem with conceptualizing where an industrial park would go. He said he did not disagree with the premise that this was needed.

Chairman Smith interjected that some of the areas that might work for an industrial park were dwindling.

Commissioner Frady said he had not given any thought to any type of tax increase to accomplish this and he noted this would be up to the citizens in Fayette County to vote on. He said he would agree to locate investors and also find some land that could be developed.

Commissioner Horgan felt the thinking should be outside of the box. He said money could be put in the medical area, airport and tourism. He questioned if the current industrial areas could be expanded.

Chairman Smith remarked that the Development Authority had already done some thinking outside of the box. He said they had looked at public/private industrial development. He said there were still some areas that an industrial park could be put in. He said most of the areas that were closest to the transportation corridors were smaller in size. He said this could range from 100 acres to 400 acres. He said the State who does most of the economic contact development would contact Fayette County and let us know that a company was interested in acreage here to locate their company. He said the County would then receive a package of what that company looks like without knowing their name or even the product that they manufacture. He said at that point in time, the County would do an evaluation of the company and determine if this was a company that Fayette County would want to locate here. He said that was the point in time that the County had the ability to do some kind of incentive. He said previously the County has not had to provide incentives because of the area in which we live. He said if the County did not have an industrial park there would be no mechanism for the State to direct companies here for development. He said Fayette County would never have the opportunity if the property was not available up front. He said if Fayette County had no "carrot" then no companies would come to look at this area. He said he would prefer having land that was identified in the Land Use Plan for an industrial park and housing developments realize that before they were built than to have industrial parks come close to housing developments. He felt a public/private partnership would be possible but the question would be how this would be put together. He said that was an issue that the Development Authority could develop. He said this Board needed to give the Development Authority direction because they have no funding other than the funding provided by Fayette County. He said the Development Authority did not have a mechanism to put together even the beginnings of a public/private partnership until it was agreed that this was something

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that the County wanted to do so that the Development Authority could begin to look and determine if it would be possible, what the development would look like and what commitment would it take for the County to act on.

Commissioner Frady felt this was something that the Development Authority would have to put together for the Board to review.

Chairman Smith asked if this Board would give the Development Authority direction for them to work on a potential solution to this problem and see what industry was out there and see what this County would have to do to try make this happen.

Commissioner Horgan felt this was the purpose of the Development Authority and he assumed they were already doing this.

Chairman Smith remarked that in the past the Development Authority's charge was that the County Commission was not interested in doing anything and private developers needed to do it. He said that was what they had been told. He asked if this Board would be willing to ask the Development Authority to look at public/private partnerships and to look at mechanisms to get the County where it needed to be.

Commissioner Horgan said he would agree to direct the Development Authority to come up with some alternatives to this problem. He said he could not see how this would hurt anything. He felt the Authority could look at everything across the board as far as industry that could be brought into the County to help offset the County's growth balance.

Chairman Smith said he would like to address the issue of expanding the industrial area in Peachtree City's Industrial Park the answer was no to that. He said the reason for that was when the industrial park extended South all the way past the soccer fields, across the creek and down to Rockaway Road they have already changed several years ago and put the ball park on industrial property. He said they had just recently agreed to lift the moratorium that they have on discussions multi-family specifically to look at the industrial piece of property adjacent to Rockaway Road across from the shopping center on the South end. He said this was with the idea that they would rezone that property to multi-family to develop a retirement community. He said if Peachtree City proceeded with that then the industrial land that was on paper would shrink even more.

Commissioner Maxwell said he really had some concerns about this. He said he was reluctant to go forward with a charge that was this generic. He said he was willing to consider all options of all different kinds but did not want to say that any available piece of property in Fayette County was fair game for an industrial park. He said he was reluctant to support that idea. He said he did not want an industrial park to be located right in the middle of the County just because the land was available. He said one of the issues during the campaign that had been expressed to him was that this Board did not want to change the character of Fayette County and he was going to do the best that he could not to change the character of Fayette County. He said there was only so much that this Board could do. He remarked that cities and other counties could do things that this

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Board really would have no control over. He said he did not want a carte blanche public policy that if a project comes along that it might be considered for a location within the County. He felt this was a terrible statement to make. He said the land on the S.R. 54 corridor was deemed to be hospital and medical based. He said this would limit a lot of the land on this corridor but he said this was a good policy to have.

Chairman Smith said the intent was that the Development Authority had identified approximately half a dozen places that were suitable. He said the question was if the Board could give the Development Authority not to select a place but to go forward to determine if there was any interest in a public/private partnership.

Commissioner Maxwell said it was hard for him to say he would consider something when he did not even know what he was considering.

Interim County Administrator Jack Krakeel suggested a potential solution to this issue. He said rather than the Board focusing on one element in diversifying the tax base which would be through the addition of another industrial park or something of that nature that the Board consider directing the Economic Development Authority study how the County could go about diversifying the County's tax base beyond what it currently was. He said they could study what the limitations were and what were the opportunities available to the County for maintaining a diversified tax base. He said this may allow the Board to explore some additional alternatives other than singularly focusing on an industrial park. He said this would give the Development Authority a broader charge rather than just looking at sites for specific properties.

Commissioner Maxwell said if the Development Authority has in fact been in a box then they need to be let out of the box and just take a look at this issue.

Commissioner Horgan felt the issue of an industrial park would help with the tax base and balanced growth and this process could also help the County start identifying some areas where things could be done in the future. He said there might be a medical facility or something of that nature who wanted to come in. He said if the Board did not at least get the process started, then nothing would be able to be done in the future.

Chairman Smith asked for the Board's pleasure in this matter.

Commissioner Pfeifer said he would like to ask the Development Authority to look into this and provide the Board with more information.

Commissioner Frady remarked that the Board was not agreeing to do anything but agreeing to receive information from the Development Authority.

Chairman Smith felt that more than anything else it was a change in philosophy for the Development Authority to understand that they need to be looking at this.

Chairman Smith clarified that there was a consensus by the Board for the Development Authority to look into these issues and provide information to the Board.

RECREATION PLAN:

Interim County Administrator Jack Krakeel said this was one of the items that was identified as an issue for the Board's consideration by several members of the Board in the list of priorities.

Chairman Smith felt the question regarding recreation was where did the recreation plan come from; who drafted the plan and who had input to it and was it considered a comprehensive plan or not; when was it drawn up; and should the Board look at doing a revision periodically to it to determine if it was still valid . He said when the recreation plan was drawn up he assumed that it was drawn based upon either population that existed at that point in time or a projection of where population would be at some point in time. He questioned if the population had grown according to whatever the plan was; did it need amending or adjusted or whatever.

Commissioner Maxwell asked if there was a formal plan that was called a recreation plan.

Executive Assistant Carol Chandler replied yes and pointed out that the plan was dated 2003 authorized by the Board and prepared by a consultant for the entire County. She said the County started the project with one consultant and then ended up with another consultant. She said meetings were held throughout the entire County and the plan eventually adopted.

Commissioner Maxwell said he would like a copy of this plan and Ms. Chandler said she would provide that to him.

Commissioner Horgan remarked that the consulting firm who prepared the plan was not part of this community. He said there were some items for the park that really did not relate to this area but because it was an outside consulting firm had been included. He felt a group of individuals needed to be developed within the community to help work with the recreation plan.

Chairman Smith said since he was not a member of the Board at that time he did not know the facts for sure. He thought the plan had been drafted by the consultant based upon the surrounding communities of the same size and what the recreation should be and not what the citizens of Fayette County wanted or needed.

Commissioner Frady said the consultant had met with representatives of Peachtree City, Tyrone, Brooks, Fayetteville and others and received input on recreation. He said this was not something developed overnight but over a long period of time.

Alice Jones representing the North Fayette Homeowners Association remarked that public hearings were not well attended. She expressed concern that the results of this study by the outside consultant were never made public. She said she had never seen the results of this study that was supposed to be made publicly known.

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Chairman Smith replied that there was actually a plan document and Ms. Chandler could provide Ms. Jones with a copy of that document. He said the plan was the end result of this study.

Ms. Jones remarked that in addition to that there was supposed to have been a survey mailed out in citizens' water bills regarding recreation for the County. She noted that a lot of people did not have water and sewer and only had well water. She said that particular survey had not reached a lot of citizens in her area who have septic systems. She said she had surveyed many citizens in her area and none of those individuals said they had received this survey.

Commissioner Maxwell suggested the members of the Recreation Commission come to a Workshop meeting and update the Board.

Chairman Smith remarked that he was not present but apparently the Recreation Commission did not feel like their input was wanted or was evaluated when they made their recommendation. He said he would at least listen to the Recreation Commission whenever they had something to say and this Board's charge to them was that they were supposed to be the advisory commission for recreation just like the Planning and Zoning Commission was the advisory commission on planning and zoning issues. He said this Board should look to them for input on what they see the recreation pulse of this community to be and make appropriate recommendations to the Board.

Commissioner Horgan said since he had been on this Board, he had not heard one report made from the Recreation Commission.

Chairman Smith said he had attended every Recreation Commission meeting that had been held this year except for the one this month. He said that Commission actually sits down and discusses aspects of recreation and so forth.

Commissioner Pfeifer said the Board of Commissioners never sees the results of the Recreation Commission's discussions.

Alice Jones asked if an individual had to live in a certain district in order to serve on the Recreation Commission.

Chairman Smith responded that there were three main district seats and two at-large seats on the Recreation Commission.

Ms. Jones asked how an individual would go about getting appointed to the Recreation Commission.

Chairman Smith responded that an individual could indicate their interest to the Board of Commissioners for serving on the Recreation Commission.

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Ms. Jones said she would like to serve on the Recreation Commission.

Chairman Smith remarked that the Recreation Commission meets the second Tuesday of each month at 7:00 p.m. at the Recreation Department Office.

Chairman Smith said he would like to suggest that the Board adjourn at this time and the remainder of items be discussed at the Board's September 5th Workshop meeting. He said these included the following items:

- H. Transportation
- I. Special Service Districts
 - 1. Storm Water
 - 2. Community Septic
 - 3. Street Lights
 - 4. Traffic Calming

A motion was made by Commissioner Frady and seconded by Commissioner Horgan to table item H. and item I. to the September 5th Board of Commissioners Workshop Agenda for discussion. The motion carried 5-0.

A motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to amend the agenda in order to discuss the item of lifting the freeze on hiring of personnel for the Marshal's Office. The motion carried 5-0.

CLERICAL POSITION APPROVED FOR THE MARSHAL'S OFFICE: Commissioner Horgan said he would like to make a motion to lift the hiring freeze for the Marshal's Office. He remarked that an employee had retired and there was now a vacancy for a clerical position in this department that needed to be filled.

A motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to authorize the Interim County Administrator to replace the clerical position only in the Marshal's Office due to a vacancy as a result of retirement. The motion carried 5-0.

A motion was made by Commissioner Pfeifer and seconded by Commissioner Frady to adjourn the meeting at 11:57 a.m. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk

Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 3rd day of October, 2007.

Karen Morley, Chief Deputy Clerk