

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, October 25, 2007, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

COMMISSIONER ABSENT: Herb Frady, Vice Chairman

STAFF MEMBERS PRESENT: Jack Krakeel, Interim County Administrator  
Don Comer, Interim County Attorney  
Carol Chandler, Executive Assistant  
Karen Morley, Chief Deputy Clerk  
Floyd Jones, Deputy Clerk

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Chairman Smith called the meeting to order.

Commissioner Pfeifer offered the Invocation.

Pledge of Allegiance.

**ACCEPTANCE OF AGENDA:**

A motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to accept the agenda as presented. The motion carried 4-0. Commissioner Frady was absent. A copy of the Agenda, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**REZONING RULES:** Director of Community Development Pete Frisina remarked that tonight's public hearing was for the Board of Commissioners to consider a request for rezoning of property and any proposed amendments related to County codes and regulations. He said Fayette County required two public hearings for these requests. He said the first public hearing on the first Thursday of every month was held by the Fayette County Planning Commission and their vote was a recommendation to the Fayette County Board of Commissioners. He said the second public hearing was held on the fourth Thursday of every month by the Board of Commissioners and their vote was the final decision of the County.

Mr. Frisina said procedures for public hearings of each agenda item are as follows: (1) presentation by the petitioner. He said once the agenda item was announced the petitioner will present the request to the Board of Commissioners. He said the petitioner along with those speaking in favor of the request would be granted a cumulative total of fifteen (15) minutes for presentation and rebuttal. (2) public comment. He said after the petitioner's presentation the Chairman of the Board of Commissioners would ask for public comment. He said speakers will have a total of three (3) minutes each to address the Board of Commissioners. He said first the Board of Commissioners will hear those in favor of the request and then the Board would hear those opposed

to the request. He said a cumulative total of fifteen (15) minutes would be granted to each side. He said this pertained to speakers in favor of the request and those opposed. He said each person who wished to speak to the Board would come to the podium and print his/her name and address on the form provided so that each speaker would be accurately identified in the minutes of the meeting. He said speakers were requested to speak only to the Board and not to the applicant or others in the audience. He said if a group wished to speak then a spokesman should represent the group. He said it was asked that each speaker not repeat the same concerns as previous speakers. He said any items such as photographs or signed petitions that the speaker wishes the Board to have should be given to the Marshal. He said after all those in opposition have spoken, the Chairman of the Board would close the floor to further public comment on the agenda item. He said the petitioner would be given the remainder of his/her fifteen (15) minutes for rebuttal and to address the Board about the issues. He said normally a Commissioner would make a motion to either approve, deny, approve with conditions or table and then the motion seconded by another Board member. He remarked that lack of a second would nullify the motion. He said the Board of Commissioners can ask questions or make comments prior to or after a motion was made and seconded. He said following discussion, the Chairman would call for the vote. He said the vote by the Fayette County Board of Commissioners was the final County decision regarding the request.

**PETITION NO. 1201-07 AND RP-040-07:**

Director of Community Development Pete Frisina read Petition No. 1201-07, John Alan Bell, Owner/Agent, request to rezone Lot 18 of Lakeview Estates Subdivision consisting of 1.03 acres from R-40 to O-I to develop office-institutional uses. Consideration of Petition No. RP-040-07, John Alan Bell, Owner/Agent, request to revise the Final Plat of Lakeview Estates Subdivision to change the use of said lot from Single-Family Residential to Office Uses. He said the property was located in Land Lot 127 of the 5<sup>th</sup> District and fronted on S.R. 54 West. He said Staff recommended approval of Petition No. 1201-07 and Petition No. RP-040-07. He remarked that the Planning Commission recommended denial of Petition No. 1201-07; however, no action was taken on Petition No. RP-040-07 since the rezoning application was denied.

John Alan Bell said he was the applicant in this petition and had been a resident of Fayette County for the last 35 years. He said he was the owner of Lot 18 of Lakeview Estates Subdivision located totally on S.R. 54. He asked for the Board's consideration for O-I zoning on this lot. He felt this property was best suited for O-I purposes for the following reasons: (1) He questioned when was the last time a home was built on S.R. 54. He said he had tried to determine that information but all of the records from the 1980's and earlier were lost when the court house burned. He remarked that the houses currently located on S.R. 54 were close to thirty years old. He said a lot had changed in the last thirty years. He said S.R. 54 had gone from mostly residential to mostly business. He said homes were being torn down or converted to offices throughout this area. He said Lot 18 would be no place to raise a family and was located on a major thoroughfare. He said he could not imagine children playing on this lot right next to busy S.R. 54. He said when Lakeview Estates was first subdivided in the early 1970's, S.R. 54 was a very different place. He said it was a two lane road, Peachtree City was in its infancy and there was no hospital. He said this lot was located in the overlay district and met the intent of the zoning. He said if he were to build a residential home on this lot, the highway would devalue his property. He said if Lot 18 was zoned O-I, it would be a great buffer from C-3 zoning directly next to it. He said it would give people a place to work and would be more tax money for Fayette County. He said this lot

had to access from S.R. 54. He said he already had a letter of approval from the Georgia Department of Transportation for an O-I cut. He said there were no restrictive covenants on Lakeview Estates. He said these were just some of the reasons he felt this property was best suited for O-I.

Mr. Bell further remarked that some of the residents of Lakeview Estates did not want him to get the O-I zoning. He said they felt it would interfere with the integrity of the subdivision. He said the only way a person could tell if Lot 18 was included in this subdivision was on paper. He said it was located 200 feet from the entrance. He remarked that he also owned Lot 17 in Lakeview Estates which was adjacent to Lot 18. He said some of the neighbors were concerned that if Lot 18 was approved for O-I, then there would be a domino affect from there. He said he would be willing to zone Lot 18 for O-I with restrictions which would include that Lot 17 remain a residential lot. He said he was aware of the fact that this could be done and he had purchased property in Fayette County that had zoning with restrictions. He said another concern that the neighbors have was that they did not want the final plat of Lakeview Estates to be changed. He remarked that this plat had already been changed once. He said the final plat for Lakeview Estates was first recorded in March of 1974 and was changed in April of 1975 when an extra lot was added. He said this extra lot was Lot 9-A. He said the only way to tell if this lot was included in the Lakeview Estates Subdivision was on paper. He asked how this could affect the integrity of the neighborhood. He said he hoped the restrictions that he would like placed on this rezoning request would ease the surrounding residents' concerns. He said he would like to add that staff had recommended approval of this rezoning request. He presented a copy of the Planning Staff's recommendations to the Board. A copy of the recommendations, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

Mr. Bell further remarked that Lot 18, while technically a part of the Lakeview Estates Subdivision, did not front on the interior street of the subdivision and only fronted on S.R. 54 West. He said due to this fact, the request did meet the intent of the S.R. 54 West Overlay District. He said the proposed rezoning would not adversely affect the existing use or usability of adjacent or nearby property. He said the subject property was located adjacent to commercial zoning to the East in the City of Fayetteville. He said the O-I zoning district was composed of certain lands and structures having office and institutional uses which were compatible with or provide a transition into low intensity land uses. He said, therefore, the O-I zoning district would provide a transition between commercially zoned property to the East and residentially zoned property to the West. He said the proposed rezoning would not result in a burdensome use of roads, utilities or schools. He remarked that existing conditions in the areas continuing development as a single-family residential district and an office institutional district support this petition. He said the planning staff recommended approval. He said it was his opinion that O-I was clearly the best use of this land.

Chairman Smith asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition.

Tommy Long, 145 Lakeview Lane, Fayetteville presented a petition to the Board consisting of 46 signatures in opposition to this rezoning request. A copy of the petition, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. He said all of the people who signed this petition were residents of Lakeview Lane or the adjoining subdivision of Crystal Lake Estates. He said he purchased his lot in this

subdivision and built his home with the assurance that he would be living in a residential area and noted that this was a residential subdivision. He said if the Board approved this rezoning request it would be setting a precedent. He said he had never heard of the County rezoning a lot out of a platted subdivision. He remarked that the intent of this petition did not meet the land use requirements and also it could be developed as a residential lot. He said since the property owner also owned the adjacent lot, there would be no problem in giving an easement for a driveway to this lot and build a home. He respectfully requested that the Board deny this petition.

Chairman Smith asked if anyone else wished to speak in opposition.

Mona MacDonald, 135 Lakeview Lane, Fayetteville appealed to the Board in strong opposition to the rezoning of Lot 18 which was currently R-40 to be rezoned O-I for the following reasons. She said her and her husband had purchased their home to grow into their senior years in a residential platted subdivision and not a mixed use subdivision. She said they had selected this area because of its quiet, rustic and semi-forested location near all conveniences. She said if this rezoning was allowed, it would change the character and integrity of their neighborhood. She said it would also open the door for the beginning of creeping commercialism in the subdivision and the majority of the residents in the subdivision did not desire this. She said if this Board yielded to the request to rezone Lot 18, she questioned on what grounds would the Board deny the next request to rezone another lot which would be certain to come before this Board at some point in the future. She said the residents felt they would be forced into some kind of neighborhood that they did not expect when they purchased their property. She said she had done some research on subdivisions in Fayette County and determined that it would be most uncommon to turn a residential property in a platted subdivision into a commercial office park zoning. She said she also had safety concerns about increased traffic and congestion. She said this area was already highly congested with four turn offs within a few hundred feet of each other. She noted that at busy times of the day it was life threatening to drive out of Lakeview Lane across a double lane highway and turn left onto S.R. 54 East within a couple hundred feet of space. She said adding to the traffic problem, the speed limit was 55 miles per hour, however, many motorists were driving 60 and 65 miles per hour. She said she strongly felt that by increasing business traffic to this already congested area would increase the possibility of serious and possibly deadly automobile accidents. She felt by having two lots side by side presented a wonderful opportunity to build a residential home with a side entrance. She begged the Board to take the desires of the people who live in this subdivision into consideration over the business endeavors of someone who did not live in Lakeview Estates. She thanked the Board members for their consideration.

Chairman Smith asked if anyone else wished to speak in opposition.

Stuart Barnes, 120 Lakeview Court, Fayetteville said he felt by taking a lot out of a platted subdivision would be detrimental on the other residents of Lakeview Estates Subdivision as well as other subdivisions in Fayette County. He pointed out that the Fayette County Planning Commission had unanimously denied this request and he asked for the Board's consideration to deny it as well and protect this neighborhood.

Chairman Smith asked if anyone else wished to speak in opposition. Hearing none, he asked Mr. Bell if he had any rebuttal comments.

Mr. Bell remarked on the comment about doing an easement on the other lot. He said he already had a curb cut and it had one restriction. He said this was because it would be directly across from the median cut in S.R. 54. He said he owned two properties in Lakeview Estates. He said if Lot 18 was approved for rezoning then it would be with restrictions that Lot 17 would not have any change in zoning. He said this would protect the beginning of this neighborhood. He said this particular lot was located far to the side and was approximately 200 feet away from the subdivision.

Mr. Bell asked the Board to think about a situation where Lot 18 was already zoned O-I and he was before the Board asking for residential. He said he did not feel the Board would want him to build a house on this property if he was asking for residential. He said it just would not be safe for a family to live there. He said a lot of the houses currently located on S.R. 54 were being torn down or converted into offices in the entire corridor area. He said he would agree to this rezoning with restrictions. He said the best use of this property was clearly O-I zoning for the buffer and usability.

Chairman Smith declared the public hearing portion closed. He asked for the Board's pleasure in this matter.

A motion was made by Commissioner Pfeifer and seconded by Commissioner Horgan to deny Petition No. 1201-07 as presented, discussion followed.

Commissioner Pfeifer said he would like to note that the County had historically not changed zonings in a platted subdivision and he did not think this should start now.

Commissioner Horgan said he agreed. He said he would not be in favor of removing a lot from a platted residential subdivision for commercial use.

Commissioner Maxwell agreed and said he did not feel this was even a close case. He said the predominant area was low density residential with one unit to one to two acre lots and was a previously platted subdivision. He noted that there had been a prior lawsuit involving Lot 1 that this County had successfully defended. He said he saw no reason to change the current zoning. He said the proposed development would not be compatible with the surrounding area.

Chairman Smith called for the vote.

The motion carried 4-0. Commissioner Frady was absent. A copy of the Ordinance and Resolution denying Petition No. 1201-07, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

Chairman Smith pointed out that the denial of Petition No. 1201-07 would preclude the Board from making a change to the platted subdivision as requested by the applicant. He said no vote would be necessary on Petition No. RP-040-07.

**PUBLIC COMMENT:**

There was none.

**CONSENT AGENDA:** A motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to approve the consent agenda items 1-13 as presented. The motion carried 4-0. Commissioner Frady was absent.

**SHERIFF'S DEPARTMENT:** Authorization for the Chairman to execute tag and title documents for two 2008 Ford Explorers for the Sheriff's Department. A copy of the request, identified as "Attachment No. 5", follow these minutes and is made an official part hereof.

**SHERIFF'S DEPARTMENT:** Approval of Vehicle Replacement Committee's recommendation for the Sheriff's Office, Field Operations to replace 12 vehicles in the amount of \$361,644. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**SHERIFF'S DEPARTMENT:** Authorization for the Finance Department to transfer two automobile titles to the Sheriff's Department, Criminal Investigation Division. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**ROAD DEPARTMENT:** Approval of staff's recommendation for a budget adjustment to transfer \$4,991 from the General Fund to the Road Department Account 10040220-522232 as a result of insurance reimbursement for damage to a paving machine. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**WATER COMMITTEE RECOMMENDATION:** Approval of Water Committee recommendation to award bid to McIntyre Lumber Company in the amount of \$102,000 for the timbering contract for Lake McIntosh pursuant to references being verified and review by the County Attorney. A copy of the request and contract, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

**WATER SYSTEM:** Approval of staff's recommendation to award Bid No. 633 to Mike Davidson Ford in the amount of \$58,380 to purchase the F-450 Utility Truck for the Water System. A copy of the request and contract, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

**RECREATION COMMISSION APPOINTMENT:** Approval of appointment of George Martin to the Fayette County Recreation Commission, Post 2 Seat to fill an unexpired term. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

**G.I.S. AND MAPPING - AGREEMENT WITH THE UNIVERSITY OF GEORGIA:** Authorization for the Chairman to execute a Letter of Agreement with the University of Georgia Information Technology Outreach Services Division to continue assistance with the County's G.I.S. and mapping needs. A copy of the request and Letter of Agreement, identified as "Attachment No. 12", follow these minutes and are made an official part hereof.

**JUVENILE OFFENDERS PROGRAM:** Approval of staff's recommendation of grant award in the amount of \$7,500 for the Purchase of Services for Juvenile Offenders Program and authorization for the Chairman to execute the grant agreement. A copy of the request and Agreement, identified as "Attachment No. 13", follow these minutes and are made an official part hereof.

**BELLSOUTH/AT&T CONTRACT FOR 10Mb ETHERNET CIRCUIT:** Approval of upgrade of the County's Internet connection from the current T1 circuit to a 10 Megabit Metro Ethernet Circuit and authorization for the Chairman to execute the BellSouth/AT&T contract for the installation of the 10Mb Metro Ethernet Circuit. A copy of the request and contract, identified as "Attachment No. 14", follow these minutes and are made an official part hereof.

**TAX ABATEMENT REQUESTS APPROVED:** Approval of recommended disposition of tax abatement requests as presented. A copy of the list of recommended tax abatement requests, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

**TAX REFUND REQUESTS APPROVED:** Approval of recommended disposition of tax refund requests as presented. A copy of the list of recommended tax refund requests, identified as "Attachment No. 16", follow these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meetings held on September 13, 2007 and September 27, 2007 and Special Called Meeting held on October 10, 2007.

**DISCUSSION OF RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR KENWOOD PARK WALKING TRAIL PROJECT TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE RECREATIONAL TRAILS PROGRAM:**

Director of Recreation Anita Godbee remarked that the Georgia Department of Natural Resources had announced that the Georgia Recreational Trails Program has a grant available for the construction and maintenance of recreational trails and related facilities. She said the purpose of the Trails Program was to further Georgia's Statewide Comprehensive Outdoor Plan as required by the Federal Land and Water Conservation Fund Act. She said the funding for appropriation years would encourage trail projects that benefit the environment. She said the program generally required a minimum grant award of \$25,000 and a maximum award of \$100,000. She said for the current funding cycle the minimum grant award would be \$25,000 except for projects designated solely to accessing existing trail conditions. She said this was a reimbursement program, therefore the grant recipient must pay 100% of the cost of an item before submitting a request for reimbursement for 80% of eligible costs. She said the match requirements were intended to ensure commitment to the project from State, local and private sponsors. She said this particular grant required a trail

to be in an area where individuals could experience some natural features. She said it was not intended for trails around ballfields or beside roads or to fund sidewalks. She said one of the criteria was that it should be within a green space area. She said there was an existing trail at Kenwood Park that she would like to enhance by installing some signage and possibly some guide maps and some benches. She said also in Phase II of the master plan additional walking trails were called for. She said both Phase I and Phase II walking trails lie within a green space area and allow individuals to experience a natural feature. She said with the grant money the County could proceed to develop Phase II trails plus enhance the existing trails. She said one of the requirements of the grant application was for a Resolution to be passed by the appropriate governing body authorizing the submission of the project application and would respectfully request the Board to consider a Resolution authorizing the submission of a grant application to D.N.R. for the Kenwood Park Project.

Chairman Smith asked if there was money in this budget for the matching funds.

Ms. Godbee responded in the current FY'08 budget there was not. She said the funding cycle for this particular grant would require the application to be due November 30<sup>th</sup> and the Federal Highway Administration has to review it as well as approve it which would be in April, 2008. She said once this was done, they would send the appropriate letter and it could be as late as August of 2008 before the County would hear if it had been awarded the bid. She said in that case, the County would be in Fiscal Year 2009 budget and she had requested additional funding in that budget for Kenwood Park.

Chairman Smith asked if the matching requirement on the grant was 20%.

Ms. Godbee replied yes, and stated that it was an 80/20 split.

Chairman Smith asked if the County was able to achieve a \$100,000 grant, the County's maximum exposure was \$20,000.

Ms. Godbee replied, yes that was correct.

Commissioner Horgan asked what the time period was for the grant and if the County continued to build trails could it continue to apply for grants.

Ms. Godbee responded yes, that was correct. She said the recreational trails grant program was typically offered every year. She said the State had offered this appropriation every year. She said once a County was approved for a grant, it would have to complete it, have final inspection, final billing and reimbursement within two years.

Commissioner Horgan asked if the signage and benches and things of that nature were required right now in order to improve the trails and apply for the grant and make this part of the application.

Ms. Godbee replied that she could include that as part of the application and that would be great, however, at this time she did not have the funding for it in this budget year.

Chairman Smith asked if there were any Federal requirements on this grant that the County would have to undertake either now or in the future.

Ms. Godbee responded that the Federal requirements would be that it would have to be in a natural setting and that the County maintain that natural setting at all times and that it remain in a park.

Chairman Smith clarified that the trails could not be torn up and replaced with a ballfield and Ms. Godbee replied yes, that was correct.

Ms. Godbee remarked that the first part of meeting the criteria would be a Resolution giving the County permission to apply for the grant.

Commissioner Maxwell said he was not exactly sure what Ms. Godbee was asking for at this point other than to participate in a grant. He said he was not sure of the extent of the project in Phase II and how much this phase would cost. He said he also did not have any figures on the benches and signage on Phase I either. He said in theory he would always want to support a grant but he did not know exactly what was being purchased.

Ms. Godbee reviewed the areas on the map for Phase I and Phase II for the walking trails.

Commissioner Maxwell asked Ms. Godbee if it would be possible to have these figures and present them at the next Board of Commissioners' meeting.

Ms. Godbee replied that she would be glad to get those figures and present them to the Board at their November 7<sup>th</sup> meeting.

Chairman Smith said he would agree that there needed to be more information on the financial aspects of this grant. He said before the County commits to this he would need to know if the County committed to apply for the grant was the County then committing to actually build the trail right now; what if the grant did not come through. He pointed out that Ms. Godbee was asking the Board to apply for the grant and not commit to the trails.

Commissioner Pfeifer said it was his understanding if the County was awarded a grant at that point in time, the County could decline it if it did not fit in with the County's plans.

Ms. Godbee replied yes, that was correct. She said the County could decline it although the State Department of Natural Resources would not look favorably on that but the County would have the option to decline it.

Chairman Smith said since there was no time constraint he would feel better if Ms. Godbee brought this back to the Board with the cost figures and parameters.

It was the consensus of the Board to discuss this item further at the Wednesday November 7<sup>th</sup> Board of Commissioners Workshop meeting.

**DISCUSSION OF BID AWARD TO ATLANTA PETROLEUM EQUIPMENT COMPANY FOR THE CONTRACT FOR UPGRADES TO THE FUEL ISLAND/FUEL MANAGEMENT SYSTEM AT THE SHERIFF'S DEPARTMENT IN THE AMOUNT OF \$51,788:**

Director of Fleet Maintenance Bill Lackey remarked that this had been an ongoing project which actually started back in Fiscal Year 2005. He said at that time they were going to try and install the fuel management portion to get the Sheriff's Department on line with the same system that was used at Public Works. He said the intent was to take money out of the Contingency Fund and for whatever reason the project was delayed. He said the next fiscal year he had submitted in his budget for capital improvements to install a fuel management system and upgrade the canopy and this was never considered during the budget hearings and was denied. He said for this Fiscal Year in the Capital Improvement Plan he did have funds approved for the upgrades. He remarked currently the fuel management system which records all of the County's transactions was not working. He said they were having to record all fuel transactions manually on a clip board that was hanging near the pump. He said the fuel dispenser was probably close to twenty years old and was transferred from the old jail to the existing location at the time the new Justice Center was built. He said every component of the fuel island was starting to fail. He said they were having trouble getting parts for the dispenser. He said they had come up with a system that was comparable with the system at Fleet Maintenance. He said the access keys for all County vehicles would be the same and if the system at the Sheriff's Department failed for whatever reason they could fill up at Fleet.

Mr. Lackey respectfully asked for the Board's consideration to award the bid to Atlanta Petroleum Equipment Company for the contract for upgrades to the fuel island/fuel management system at the Sheriff's Department in the amount of \$51,788. He said the R.F.P.'s had been sent out and Atlanta Petroleum Equipment was the low bidder.

Chairman Smith said it was his understanding that there was not only a problem with the equipment but a problem with the canopy height.

Mr. Lackey replied yes, that was correct. He said the canopy had been moved from the old site and the height would not allow a large tanker truck to come in. He said this was causing them to take deliveries of 4,000 gallons or less. He said the difference in price would be 5¢ per gallon which would equate to approximately \$450 per delivery. He said annually that would add up to a little over \$5,000.

Chairman Smith asked what the storage capacity of the tanks was and Mr. Lackey replied that it was a 10,000 gallon tank.

Chairman Smith asked if there were any further questions. Hearing none, he asked for the Board's pleasure in this matter.

A motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to approve the bid to Atlanta Petroleum Equipment Company for the contract for upgrades to the fuel island/fuel management system at the Sheriff's Department in the amount of \$51,788. The motion carried 4-0. Commissioner Frady was absent. A copy of the contract, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

**DISCUSSION OF A BUDGET ADJUSTMENT TO TRANSFER \$4,788 TO ACCOUNT 40900-37540900-541210 PROJECT CODE P7019 FROM THE CONTINGENCY ACCOUNT IN REGARD TO THE UPGRADES TO THE FUEL ISLAND/FUEL MANAGEMENT SYSTEM AT THE SHERIFF'S DEPARTMENT:**

Chairman Smith said this was a related item to the previous discussion regarding the bid award to Atlanta Petroleum. He said the bid award in the amount of \$51,788 was \$4,788 more than the amount that was budgeted for this project as indicated on staff's request. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof. He said \$4,788 needed to be appropriated from the Contingency Fund to the equipment account to pay for this increase in cost for the fuel island/fuel management system. He asked for the Board's pleasure in this matter.

A motion was made by Commissioner Pfeifer and seconded by Commissioner Horgan to approve a budget adjustment to transfer \$4,788 to account 40900-37540900-541210 project code P7019 from the contingency account in regard to the upgrades to the fuel island/fuel management system at the Sheriff's Department. The motion carried 4-0. Commissioner Frady was absent.

**DISCUSSION OF UPCOMING BOND ISSUES BY THE HOSPITAL AUTHORITY FOR PIEDMONT FAYETTE HOSPITAL:**

Interim County Attorney Don Comer discussed a letter he had presented to the Board regarding Piedmont Healthcare, Inc. has taken a matter before the Hospital Authority as it related to the issuance of bonds in the aggregate amount not to exceed \$70,000,000. He said the purpose of the issuance was to help refinance certain obligation bonds that were currently from the 2005 series. He said it would also be used to assist in the construction of the fifth and sixth level at the hospital campus. He also presented the Board with a Certificate regarding a public hearing and listing him as a Hearing Officer. He said the Legislation required a TEFRA hearing which was a tax equity fiscal revenue act with would put the public on notice of the possible issuance of a bond. He said this would allow the public to come in and ask questions about the purpose of the bond for financing and refinancing. He said the public notice had been published on October 3, 2007 and the hearing took place on October 18<sup>th</sup>. He said he had prepared a Resolution which sets out the purpose of the bond issue to refinance certain bonds that were currently outstanding and provide for the addition of the construction at the hospital itself. He said the owner of the project was Piedmont Healthcare, Inc. and bonds to be issued would be for refinancing and construction. He said it was noted in Section 2 that this Board was not making any endorsement to a prospective purchaser of these bonds of the creditworthiness of the corporation. He said it was also very important to recognize that the revenues from the project would pay for the bonds and no tax monies were being pledged in any respect for the retirement of these bonds. He said

also included in the Resolution the Board was providing that all acts as they relate to this Resolution were hereby approved. He said he would be glad to answer any questions that the Board might have.

Chairman Smith said it was his understanding that the County would have no liability for these bonds whatsoever.

Attorney Comer replied yes, that was absolutely correct. He said neither the State nor the County would have any liability at all. He said the revenue provided from the corporation to the sinking fund would pay off the bonds.

Chairman Smith asked if there were any questions. Hearing none, he asked for the Board's pleasure in this matter.

A motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to authorize the Chairman to execute the Resolution approving the issuance of revenue anticipation bonds by the Hospital Authority of Fayette County for the benefit of Piedmont Healthcare, Inc. in the amount of \$70,000,000. The motion carried 4-0. Commissioner Frady was absent. A copy of the Certificate Regarding Public Hearing and the Resolution, identified as "Attachment No. 19", follow these minutes and is made an official part hereof.

**CONSIDERATION OF A REQUEST THAT THE COUNTY CONSIDER EXECUTING A QUIT CLAIM DEED FOR A DRIVEWAY LOCATED ON A TRACT OF LAND BELONGING TO THE STEPHENS FAMILY:**

Interim County Attorney Don Comer said he had received a request from an attorney who was representing the Stephens family estate. He said this involved an old road that went through the Stephens property. He said the road was actually located in Peachtree City and when they ran the title there was some concern about whether the County participated at all in the improvement of this road approximately forty years ago. He said when the property became part of the City of Peachtree City, it relinquished any and all right, title or interest in the property. He said in order to protect any title and to clear any cloud that might be brought as a result of this road, they are asking both the City of Peachtree City and Fayette County to execute quit claim deeds. He said he had reviewed this deed and determined all of the documentation surrounding this request that it was appropriate for the County to execute the Quit Claim Deed which would effectively clear the title to the property as it related to the road itself.

Chairman Smith asked if there was any recorded interest of the County in this property.

Attorney Comer replied he had checked this and there was no recorded interest by the County.

Chairman Smith asked if there were any further questions. Hearing none, he asked for the Board's pleasure in this matter.

A motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to authorize the Chairman to execute a Quit Claim Deed for a driveway located on a tract of land belonging to the Stephens family. The motion carried 4-0. Commissioner Frady was absent. A copy of the Quit Claim Deed, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

**ADMINISTRATOR'S REPORTS:**

Interim County Administrator Jack Krakeel remarked that he had one item that he would discuss with Water System Director Tony Parrott under staff reports.

**ATTORNEY'S REPORTS:**

There were no reports.

**BOARD REPORTS:**

There were no reports.

**STAFF REPORTS:**

**UPDATE ON THE DROUGHT SITUATION:** Water System Director Tony Parrott updated the Board on the drought. He remarked that the Governor had asked that the State conserve an additional 10% of water and beyond what the County had for its water usage in December 2006 and January and February 2007. He discussed the flow of water for an average day for those four months and stated that this averaged 7 million gallon per day flow. He said this was traditionally some of the lowest flows that were in the system. He said in 2006 an average water flow day was 9.3 million gallons. He said the charge by the Governor was to decrease the 7 million gallons per day which would be approximately 10% and come to 6.3 million gallons per day. He said the County must start trying to achieve this starting on November 1<sup>st</sup>. He said the County has been under Level IV drought since September 28<sup>th</sup>. He said the water customers have participated well in the watering restrictions. He said Fayette County had reduced its water consumption by approximately 27% during the first week. He said the problem was that the County was no where near the 6.3 million gallons of water per day. He said the County's daily production rate was estimated for today at 7.6 million gallons of water. He said this makes the County approximately 1.3 million gallons away from the target goal. He said part of the 1.3 million was the water that the County was currently selling to the City of Fayetteville and this was because the City's surface water plant was off line because of the drought. He said the City was still pumping out of its wells. He said regardless of that fact, the County would still have to do additional conservation measures to get down to the 6.3 million gallons per day.

Mr. Parrott further remarked that there had been a meeting earlier today with the Cities, the Board of Education and several of the County's top ten water users to discuss what could be done as a joint effort for water conservation measures. He remarked that Mr. Krakeel would discuss some additional initiatives and actions that were being considered.

Interim County Administrator Jack Krakeel discussed several initiatives and actions that had already been taken to begin the process of further conservation measures. He said several weeks ago after the declaration of a Level IV drought was put into place, he had requested staff to begin an analysis of the County's situation with respect to the drought, current reservoir capability and production capability, current water storage and future water resources. He said the County had over 200 days of raw water storage. He said the imposition of the additional restrictions would require the County to take additional measures for conservation and curtailment. He said the County had begun this process several weeks ago not anticipating that these additional restrictions would be forthcoming so quickly. He said given the implementation of the additional 10% reduction, he had provided the Board with an update of several action items and initiatives and actions that had already been taken to begin the process of further conservation measures.

Mr. Krakeel remarked that yesterday he had made a presentation to the Chamber of Commerce on the County's S.P.L.O.S.T. program and transportation needs. He said part of that discussion also included the issue of the drought and water conservation measures in Fayette County. He said the County would be developing a partnership with the Chamber of Commerce along with local industries and businesses to discuss additional opportunities in the business sector for conservation measures. He said that was followed up today by a meeting of all of the municipal representatives in Fayette County as well as representatives from the Board of Education and Fayette Community Hospital. He said the County's corporate users that use large quantities of water such as Hoshizaki America as well as several other entities to begin a dialogue on opportunities for conservation within that sector. He said he was pleased to report that it was a very productive meeting between the municipalities and the County's corporate partners and the business community in Fayette County. He said a subcommittee had been developed that would begin to develop a uniform and consistent public education message and campaign. He said that would be coordinated by all of the municipalities and the County so that the same message was sent with the same educational information throughout the community in asking the citizens to further conserve this resource.

Mr. Krakeel further remarked that the County had been in the process for the last several weeks and going through the identification of irrigation systems that may or may not be in compliance with the current restrictions that have been imposed. He said several of those have been identified and those irrigation systems have been shut off. He said these were irrigation systems that were located at the entrances of subdivisions for decorative shrubbery and that sort of thing and those water meters have been locked. He felt there were some additional opportunities with respect to irrigation systems and shutting those down. He said he was also asking for voluntary compliance from other businesses who might have irrigation systems. He said he had authorized the County Marshals Office to implement some different shift schedules to allow for full twenty-four hour patrol of the community. He said there had been some reports of non-compliance especially during the hours between midnight and 5:00 a.m. He said that was unfortunate but this would give the County the ability to identify those areas and issue appropriate warnings and/or citations to those who choose to not follow the requirements of the outdoor watering ban. He said all County staff have been instructed to discontinue washing any vehicles unless it would create a public safety hazard and this had been in effect for several weeks. He remarked that all County meters and irrigation systems have been turned off to prevent any accidental irrigation issues from a County perspective. He said at his staff meeting this morning he had communicated with all department heads and division directors the absolute necessity that the employees of

Fayette County should be examples for the community and good stewards of water resources and to conserve at all opportunities water resources while they were at work. He said there had been initial conversations with the Comcast Corporation regarding placing trailers on the local cable channels as well as actually producing public information regarding conservation opportunities for the citizens and information regarding the County's water system.

Mr. Krakeel further remarked that there had been conversations with the Board of Education on implementation measures that the Board of Education could utilize. He said one of those was that there were opportunities for using paper products versus dishes during lunchtime. He said similar opportunities exist with the restaurants throughout the community and those were the areas that we would begin to focus on requesting assistance. He said the County's current ordinance for the enforcement of violations associated with the watering ban were fairly weak. He said the ordinance was currently being reviewed and would be bringing forth to the Board some recommendations with respect to the current ordinance. He said there was a dual purpose reason for that. He said the fines associated with the County's current ordinance were minimal at best, but more importantly was the uniformity of enforcement throughout the community. He said there were areas within the City of Fayetteville that the County Water System services and there could be situations where a different standard was being applied to citizens within the City of Fayetteville. He said there needed to be a uniform standard throughout the community. He said he was pleased to say that all of the other managers from the municipal governments were at the meeting today and they were on board. He said they have assigned members of their staff to the conservation subcommittee that would begin to develop educational materials and brochures. He said the County's website would become a focal point for the dissemination of that information for the citizens. He said the local media would also be involved in this process and he would like to extend to them an invitation to participate with the subcommittee in the development of the publication of the educational materials regarding further conservation efforts within the community. He said there were a host of other opportunities and initiatives that the County would be addressing as the months go forward with respect to usage of water efficient devices. He said this was clearly an area that he felt significant improvements could be made.

Mr. Krakeel further remarked that he was also pleased to report that the corporate partners who attended the meeting today were very attune to this situation and they were concerned as well. He said they were currently instituting efforts within their own local industries to cut their consumption of water to the greatest extent possible. He said in speaking with a representative of Hoshizaki Corporation he learned that their target goal was a 40% reduction in water usage next year. He said these were just a few of the initiatives under way for the County to meet the targeted reduction requirements. He said more information would be forthcoming within the next week from the Environmental Protection Division with clarification on exactly what the target goal was and how this goal was measured. He said he would be glad to answer any questions that the Board might have.

Commissioner Maxwell felt the current County ordinance did need review. He felt at this point that it would be appropriate to proceed and give direction to staff as well as the County Attorney to review the current ordinance.

Chairman Smith felt one of the problems was the penalty for violation of the watering ban and those penalties not being significant enough to be a disincentive.

Mr. Krakeel interjected that the County's current fine structure would allow the imposition of a fine anywhere from \$10 to \$100 per day for violation of the outdoor watering ban. He noted that Peachtree City's ordinance had a fine of \$1,000 per day for violation of the ban. He said the County did not even have the capability to lock a water meter for violation of the water ban.

Chairman Smith felt this ordinance should be amended in such a manner that it would become a deterrent.

It was the consensus of the Board that staff and the County Attorney be directed to review the County's current ordinance and bring this back to the Board for consideration.

Mr. Krakeel said he would like to state for the record that in the first month since the Level IV drought response went into effect this community collectively reduced water consumption by 28%. He said he had not heard of another community in the metro Atlanta area that has had a reduction that large.

Chairman Smith said at the Atlanta Regional Commission meeting that he had attended yesterday, they had alluded to the savings that had been implemented by the various counties since the ban went into place. He said the closest county to Fayette County had an 18% reduction. He said Fayette County was clearly head and shoulders above everyone else.

**EXECUTIVE SESSION:**

There was none.

Chairman Smith asked if there was any further business. Hearing none, he asked for a motion to adjourn the meeting.

A motion was made by Commissioner Horgan and seconded by Commissioner Maxwell to adjourn the meeting at 8:15 p.m.

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Karen Morley, Chief Deputy Clerk

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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 29<sup>th</sup> day of November, 2007.

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Karen Morley, Chief Deputy Clerk