Minutes

Board of Commissioners
August 14, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, August 14, 2008, 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 Herb Frady, Vice-Chairman Robert Horgan Eric Maxwell Peter Pfeifer
Staff Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

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Call to Order by Chairman, Invocation and Pledge of Allegiance.

Chairman Smith called the August 14, 2008 Board of Commissioners Meeting to order at 7:02 p.m. Commissioner Pfeifer gave the invocation. Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Horgan moved to approve the agenda as published. Commissioner Frady seconded the motion. Commission Horgan then moved to amend the agenda in order to allow Mr. Charles Reneau, Health District Four Emergency Preparedness Director, to give his presentation to the Board prior to Public Comment. Commissioner Frady seconded the amended motion. No discussion followed. The motion passed unanimously.

PUBLIC HEARING

A. Consideration of Resolution 2008-12 establishing millage rates and levying ad valorem taxes for 2008.

Assistant Finance Director Toni Jo Howard gave a presentation to the Commissioners regarding the millage rates and ad valorem taxes for 2008 before demonstrating that they are lower in 2008 than they are were in 2007. She then reminded the Commissioners that the Board of Education recently voted to increase its millage rates and, therefore, had to go through a series of Public Hearings. She said the last Public Hearing that the Board of Education would hold on their millage rates would occur during their August 28, 2008, and, as a result, the Board of Commissioners would be able vote on Resolution 2008-12 during its meeting that is also held on August 28, 2008.

Chairman Smith announced that the vote on Resolution 2008-12 would be deferred until the August 28, 2008 Board of Commissioners meeting due to the vote taken by the Board of Education and the necessary Public Hearings that must be held with respect to the increase to their millage rates. A copy of the request and presentation of the 2008 Property Tax Rates, identified as "Attachment 1", follow these minutes and are made an official part hereof.

PRESENTATION

Pandemic Influenza Exercise: Mr. Charles Reneau, Health Director Four Emergency Preparedness Director, gave a presentation regarding the pandemic influenza exercise that was held in Fayette County on August 11, 2008. He informed the Commissioners that he is on the faculty of Homeland Security at the Center of Domestic Preparedness, that he trains people from all 50 states, all of the U.S. territories, and internationally, and that what he observed in Fayette County "far exceeds anything that he has ever seen". He thought it was appropriate that the Commissioners knew of the hard work that it took to enable Fayette County to be at the level of excellence that it is at today. He stated that "many major strengths and outcomes" were observed during the exercise before he highlighted the leadership in Fayette County saying it was excellent compared to the rest of the district. He further mentioned that the Planning Committee "really knew what they were doing". He noted that one area of needed improvement related to the integration of strategies and the implementation of current technology with some of Fayette County's other support agencies located within the community, and added that additional training was needed with respect to that technology. He concluded his presentation by stressing that, as an outsider, he was very impressed with a "job well done" in Fayette County.

Chairman Smith replied that it is difficult, at times, to determine how prepared the County is, the adequacy of staff, and the adequacy of the County's plans and procedures, despite the common perception that the County is doing a good job and has a great staff. He said Mr. Reneau's confirmation was comforting since it was good to know those perceptions were shared by someone from "the outside". He then gave Captain Pete Nelms an opportunity to address the Board.

Captain Nelms thanked Interim Fire Chief Allen McCullough, Interim County Administrator Jack Krakeel, and the Board of Commissioners for their leadership and support that enabled the Public Safety Division to be prepared to meet any kind of emergency. He added that he did not want to give a false sense of security since this is a "huge, huge topic", but stressed that Public Safety would continue to work diligently with the Board of Health in order to prepare the community, the citizens, and the first responders for these types of emergencies.

Chairman Smith thanked Interim Fire Chief Allen McCullough for all of his efforts on behalf of Fayette County, and he also thanked Interim County Administrator who served as Fire Chief for "some period of time".

PUBLIC COMMENT:

Ms. Andrea Lyle: Ms. Andrea Lyle informed the Board that she has become increasingly alarmed at the amount of crime that is occurring at the Fayette Pavilion, and asked Fayette County to work closer with the City of Fayetteville in order to reduce crime at the Pavilion. She closed her comments by also stating that "she did not want Mr. Pfeifer to leave". Chairman Smith responded that the Board of Commissioners is always ready and willing to work with any of the jurisdictions to the extent that the law and budget constraints allow. He further suggested that Ms. Lyle make her plea to the City of Fayetteville since Fayette County does not have jurisdictional authority to operate within the city unless it is asked before noting that, while the Fayette County Sheriff's Department does patrol in that area at times, jurisdictional authority resides mostly with the City of Fayetteville.

Mr. James Alexander: Mr. James Alexander said he was in the middle of constructing a 6' tall fence when he learned that the County ordinance only permitted 4' fences. He explained that there were no 4' fences similar to the fence he was installing, and, even if he adjusted the height of his fence, it would still be out of compliance with the ordinance since it would be 4'8" tall. He asked if the Commissioners would permit his 4'8" fence in the County. Chairman Smith replied that Mr. Alexander was looking for a variance, that there were procedures to take in order to get a variance, and directed Community Development Director Pete Frisina to explain the variance procedure with Mr. Alexander.

Mr. Victor Remeneski: Mr. Victor Remeneski expressed concern over the decreasing of funds going to the State, counties and cities due to the financial downturn being experienced in the nation. He was also concerned about the yearly increase to his real estate taxes and said he complained about those taxes each year to no avail. Next, he stated his biggest concern was with the defined benefits pension plan that the County was about to adopt. He explained that no private industry had enacted a defined benefits plan for 20 years, and those businesses and governments that had defined benefits plans had to either replace them or experience bankruptcy. He thought that the true costs of the defined benefits plan would not be seen for several years, but when the cost "kicked in it would be awful". He closed by saying the government should take a lesson from private industry, and if defined benefits are not good for private industry then they are not good for governments.

Ms. Andrea Lyle: Ms. Andrea Lyle returned to express support for Mr. Remeneski's comments by saying she had similar concerns about defined benefits.

CONSENT AGENDA

Commissioner Pfeifer moved to approve Consent Agenda Items 1-6 and not to approve Consent Agenda 7 due to their form. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval to release the County's possible interest in the property known as "Old Stop Courthouse." A copy of the request and Quit Claim Deed, identified as "Attachment 2", follow these minutes and are made an official part hereof.**

2. **Authorization for the Chairman to execute the Federal Annual Certification Report as requested by Sheriff Randall Johnson. A copy of the request and the Federal Annual Certification Report, identified as "Attachment 3", follow these minutes and are made an official part hereof.**

3. **Approval for staff to advertise proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 23. Home Occupation, as presented by the Planning and Zoning Department. This item was last discussed during the June 4, 2008 Wednesday Workshop. A copy of this request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

4. **Approval of permission for staff to advertise recommended revision of "suggested planting materials" in the Article V. Buffer and Landscape Ordinance of the Fayette County Development Regulations. This item was last discussed during the July 2, 2008 Wednesday Workshop. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

5. **Approval of the Road Department's recommendation to award the annual contract for asphalt (Bid #671) to The Lions Group Paving with alternative award to E.R. Snell Contractor, Inc. (Tyrone Plant). A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

6. Approval of the Road Department's recommendation to award the annual contract for CRS-2H tack material, bid #672, to Blacklidge Emulsions, Inc. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

7. Approval of the July 24, 2008 Regular Session Minutes.

Commissioner Pfeifer moved to not approve the July 24, 2008 minutes due to their format. The motion died for lack of a second. Commissioner Horgan moved to approve Consent Agenda Item 7, and Commissioner Frady seconded the motion. Chairman Smith asked Commissioner Pfeifer if anything had been omitted from the July 24, 2008 minutes, and Commissioner Pfeifer replied that discussion had been omitted. Chairman Smith asked if any item that was discussed had been omitted, and Commissioner Pfeifer replied that, to his knowledge, no item that had been discussed had been omitted. Chairman Smith then asked Commissioner Pfeifer if he believed there was anything in the minutes that were in error or if anything was misstated. Commissioner Pfeifer replied by saying "no". Chairman Smith asked if the only objection Commissioner Pfeifer had concerning the minutes were due to their form, and Commissioner Pfeifer replied that the form of the minutes were his only objection. No other discussion followed. The motion to approve Consent Agenda Item 7 passed in a 4-1 vote with Commissioner Pfeifer voting in opposition.

OLD BUSINESS

B. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitations of Walls and Fences, Section 5-11. Common Area, and Article III. Definitions, Common Area, Fence and Wall as presented by the Planning and Zoning Department. THE PLANNING COMMISSION RECOMMENDED APPROVAL WITH MODIFICATIONS IN A 4-1 VOTE. This item was tabled following the July 24, 2008 Public Hearing.

Community Development Director Pete Frisina reminded the Commissioners that this item was tabled at the July 24, 2008 Public Hearing after staff was requested to reword some of the language in the proposed amendments. He reported that the language had been reworded as requested and had also been reviewed by County Attorney Scott Bennett. He asked if the Board wished for him to give a lengthier presentation and was informed that a longer presentation was unnecessary.

Commissioner Pfeifer moved to approve the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitations of Walls and Fences, Section 55-11. Common Area, and Article III. Definitions, Common Area, Fence and Wall. Commissioner Horgan seconded the motion.

Commissioner Maxwell questioned the language of Article V., 5-17, A-1 by saying that, when compared it to Article V., 5-17, E-3(a), he was confused if a fence built in the right-of-way would be "grandfathered" into the new ordinance. County Attorney Scott Bennett clarified that it would not be grandfathered into the new ordinance since it would be, and is, an illegal fence. Commissioner Maxwell then questioned the requirements of Article V., 5-17, A-4 and alluded that the requirements were too excessive. Next, Commissioner Maxwell questioned the section of Article V., 5-17, E-2 that reads "including the raising and selling or of crops and livestock". He suggested that the section be written that would replace the two "and"s with two "or"s. After discussion with Mr. Frisina, Commissioner Maxwell conceded that the two "and"s be replaced with "and/or"s. Commissioner Maxwell then reiterated that, as a Republican, he was not in favor of more government and stated that the Board was "adding an extremely burdensome bureaucratic problem to building a fence". He mentioned that people, like Mr. Alexander, who came looking for a variance for his fence, were caught in the middle of this problem, but others who had clearly violated the County's ordinance were about to have their illegal fences "grandfathered in" with this new ordinance, and that "it was not right".

Further discussion took place about how the proposed amendments would relate to fences located in the right-of-way, the reason a variance request was not sought for the illegally constructed fence which served as a catalyst of all the work and discussion on this topic which occurred since the middle of last year, the reason permits would be required in order to construct a fence, and how to enforce the new ordinance in the future.

Mr. Frisina asked that, should the Board vote to adopt the proposed amendments, the proposed amendments would become effective on October 1, 2008 so that he and his staff would be able to prepare and implement a public awareness campaign that would include mailing letters to the local fencing industries, placing advertisements in the newspapers, and updating the County's website.

Commissioner Pfeifer amended his motion to add that the proposed amendments were to become effective on October 1, 2008. Commissioner Horgan seconded the amendment to the motion. Chairman Smith said he understood Commissioner Maxwell's concerns, but the current ordinance was difficult or impossible to enforce and that the Board was faced with the challenge of putting together "a system" that would prevent illegal fences from being constructed in the future. He also suggested that the issue of enforcing the illegal fences throughout the County could be discussed in a workshop meeting.

The motion to approve the proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitations of Walls and Fences, Section 5-11. Common Area, and Article III. Definitions, Common Area, Fence and Wall, and for the proposed amendments to become effective on October 1, 2008 passed in a 4-1 vote with Commissioner Maxwell voting in opposition. A copy of the request and Ordinance 2008-06, identified as "Attachment 8", follow these minutes and are made an official part hereof.

C. Consideration of proposed revisions to Fayette County's Extent of Service/Level of Service (EOS/LOS) Policy for Stormwater Management. This item was last discussed during the March 5, 2008 Wednesday Workshop.

Director of Public Works Phil Mallon reminded the Commissioners that this topic was first discussed during the November 2007 Commissioners' Retreat, and later discussed at during the March 2008 Workshop meeting. He explained that, at this meeting, he was bringing staff's recommendation to change Fayette County's Extent of Service/Level of Service Policy. He informed the Commissioners that this policy was not a part of the Fayette County's Development Regulations and was not in the County Code, but it was a long-standing policy that required the County to repair problems in the County's right-of-way and property owners to repair the problems outside of the right-of-way. He continued saying that a change to the policy was needed due to the growing problems associated with failing storm pipes and headwalls, and that the problems would only become worse if neglected. He then gave a second reason that the change to the policy was needed saying there were "many new regulations at the State and Regional levels", and he thought, if the change to the policy was not approved, he would likely be back in six months making this request again due to tightening State regulations. He added that the changes to the policy would enable the Engineering Department to look at a potential problem, identify solutions to fix the problem, create a cost estimate or a corrective action plan, and submit the corrective plans to the Road Department for implementation. Mr. Mallon concluded saying that small projects that did not cost much to implement would be completed as scheduling and existing resources allowed, but bigger projects that cost a significant amount of money would be submitted as a CIP for the Board's consideration.

Commissioner Frady expressed concern about the County working on private property and asked if County Attorney Scott Bennett had reviewed the proposed changes. Mr. Mallon replied that the Attorney had reviewed the changes, and he thought the Attorney was in favor of them. Commissioner Maxwell wanted to make sure that the changes only gave permission to fix possible problems, but did not require the County to fix all of the problems. Mr. Bennett replied assured

Commissioner Maxwell that the changes to the policy did not require the County to repair all the problems. Commissioner Maxwell next asked how was it determined that a problem belonged to the County as opposed to a property owner. Mr. Mallon replied that the language in the change of policy was left subjective since it was difficult to create a policy that would address all of the possible situations. He said he preferred to allow staff to look at the problems, determine what was causing the problems and make recommendations. He restated that in certain circumstances, if a problem is not attributable to the negligence of the property owner, it may be appropriate for the County to work outside of the right-of-way to correct the problem.

Further discussion occurred regarding the potential cost of the projects, the need to obtain easements in order to work on private property, the current responsibilities and restrictions placed on Mr. Mallon and his staff, and the need to change the current policy.

Commissioner Horgan moved to adopt the proposed revisions to Fayette County's Extent of Service/Level of Service (EOS/LOS) Policy for Stormwater Management. Commissioner Maxwell seconded the motion. Chairman Smith expressed concern that there was no definition in place defining what was considered a major project, but said he was consoled that the annual budget adopted by the Board and the current guidelines worked to provide some constraints. The motion to adopt the proposed revisions to Fayette County's Extent of Service/Level of Service (EOS/LOS) Policy for Stormwater Management passed in a unanimous vote. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

NEW BUSINESS

D. Consideration of a request to improve the 0.5 mile section of Snead Road "west" of Old Greenville Road.

Mr. Phil Mallon stated that there is an ongoing project to improve drainage problems, improve the overall layout, and pave the area of Snead Road located between Old Greenville and Chapel Road before he said that the property owners on the north part of Snead Road have been contacting Public Works and some Commissioners for a period of time asking for their portion of the road to also be paved. He explained that the Public Works Department did not originally have plans or cost estimates to pave that portion of Snead Road, but due to the confusion of the homeowners who thought their portion of Snead Road would be paved, and pursuant to direction given by the Board to prepare options in relation to this issue, he had five options to give to the Board for their consideration. He said the first and cheapest option, referred to as the Triple Surface Treatment, involved laying a mixture of tar and gravel over the existing gravel surface. He clarified that the Triple Surface Treatment was sufficient for light traffic and the work would be completed in about one week, but it would not involve any drainage improvements, would not widen the road, and would not work to improve safety on the road. The second option, he explained, was known as Binder and Overlay, and it entailed laying about four inches of graded aggregate base (GAB), two inches of asphalt binder, and one and a half inches of asphalt topping. He said this second option would cost more than the Triple Surface Treatment option, would provide a longer lasting wear surface, and the work would be completed in about two weeks, but it likewise did not make any drainage improvements or straighten any curves in the road. He next stated that the third and most expensive option, referred to as the Standard County Cross-Section, would take about three weeks of work to complete, would improve that section of Snead Road to the same standard used at other sections of Snead Road, would provide shoulder and drainage improvements, and would utilize the "standard stone and asphalt material". He said the fourth option was to do nothing this year and to have Public Works request the work to be performed as a standard CIP project during the next fiscal year. He added that the fifth option was to take no action at all. Mr. Mallon then recommended the second option, or the Binder and Overlay option because, while it would not provide shoulder or drainage improvements, it would provide people a good driving condition at a reasonable cost to the County.

Commissioner Frady asked if the money needed for the paving work would be provided from the Contingency Fund, and Chairman Smith replied that it would have to come from the Contingency Fund. Mr. Mallon pointed out that, regardless of the option taken by the Board should they want to improve that section of Snead Road, the County would only do the work after the required 60' right-of-way was donated by the property owners along the entire length of the road, however, he thought that would not be a problem. Chairman Smith asked if there were any estimations available that demonstrated how much money the County could save by completing the project now while the equipment is already mobilized as opposed to working on the project in the future. Mr. Mallon speculated that the County would save between $2,000 and $3,000, and said his estimates did not include the embedded savings that would be experienced by the County if it purchased the asphalt now instead of at a future date since the cost of asphalt is increasing each month.

Commissioner Frady moved to approve option two, known as Binder and Overlay, on the condition that the residents donate the 60' right-of-way as needed, and for funding to be provided from the Contingency Fund. Commissioner Horgan seconded the motion.

Further discussion followed regarding the type of road provided by the Binder and Overlay option and the durability of the road, especially with the anticipation that heavy construction equipment would potentially be utilizing that road in the future. Commissioner Pfeifer wanted people to understand that the Binder and Overlay option was not a "viable option for through traffic". Commissioner Horgan asked if it were possible to accept the second option but to add two extra inches of GAB to the road since that would, in effect, build the road to option three standards without doing the additional work along the sides of the road. Mr. Mallon replied that it was possible, but asked for the opportunity to take samples from the area in order to determine how much stone was already at the location and to ensure that the County did not waste its money. Chairman Smith asked how much extra would it cost to add the additional two inches of GAB as suggested, and Mr. Mallon estimated that it would increase the cost of the road by approximately $5,000 and $6,000.

Commissioner Frady amended his motion to allow the road to have up to an additional two inches of GAB if necessary. Commissioner Horgan seconded the amended motion. No further discussion followed. The motion to approve option two, known as Binder and Overlay, on the condition that the residents donate the 60' right-of-way as needed, to include an additional two inches of GAB if necessary, and for funding to be provided from the Contingency Fund passed with a unanimous vote. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

E. Consideration of a proposed Resolution and Intergovernmental Agreement with Clayton County for repair and improvements to the Helmer Road Bridge over Camp Creek.

Mr. Phil Mallon informed the Commissioners that the guardrails on the Helmer Road Bridge were severely damaged during a car accident several months ago. He said that after the accident, and while Public Works was preparing Requests for Proposals (RFP) in order to repair the guardrails, the Department of Transportation completed an inspection of the bridge through the Clayton County program. He noted that the bridge is recorded as belonging to Clayton County even though the line dividing Clayton County from Fayette County runs through the middle of the bridge. He continued reporting that, after the Department of Transportation completed its inspection, they returned to Clayton County with recommended improvements for the bridge in addition to the guardrails, and that Clayton County responded by asking Fayette County to wait on them to submit comprehensive RFPs that would address all of their bridges countywide. Mr. Mallon stated that the comprehensive RFPs issued by Clayton County have returned and that Fayette County's Public Works' staff has met with their counterparts at Clayton County to evaluate the RFPs. He said, based on the evaluation, he was recommending that Fayette County award the repair work to Sunbelt Structures who would be working though a Clayton County contract. He explained that the Intergovernmental Agreement between Fayette County and Clayton County states that Fayette County will pay for any work performed in Fayette County, and that Clayton County will pay

for any work done within Clayton County. He further explained that the contractor's cost that would be divided equally between the two counties, and that the estimated cost for the repair work would be $27,000. He closed saying this repair work was not a budgeted item and the funds would have to come from the Contingency Fund.

Chairman Smith asked why insurance coverage would not pay for the damage to the guardrails since the damage was caused by a vehicle accident. Mr. Mallon replied that insurance coverage was not applicable in this case since neither the Clayton County authorities nor the Fayette County Sheriff's Office had any record of a reported accident in the area. Chairman Smith asked if there were adequate funds in the Contingency Funds to cover the repairs, and Assistant Finance Director Toni Jo Howard replied that there were adequate funds available in Contingency Fund. Commissioner Maxwell asked if Chairman Smith had spoken to Clayton County Chairman Eldrin Bell about this issue, and Chairman Smith replied that he had not. Commissioner Horgan asked if the Department of Transportation had any responsibility for the repair, and Mr. Mallon replied that, while the Department of Transportation conducted the inspections and informed counties of needed improvements or repairs, the responsibility for those improvements and repairs belonged to the counties.

Commissioner Frady moved to authorize the Chairman to sign Resolution 2008-11 and the Intergovernmental Agreement between Clayton County and Fayette County for repair and improvements to the Helmer Road Bridge with funding provided from the Contingency Fund. Commissioner Horgan seconded the motion. No discussion followed. The motion passed with a unanimous vote. A copy of the request, Resolution 2008-11, and the Intergovernmental Agreement, identified as "Attachment 11", follow these minutes and are made an official part hereof.

F. Discussion of the proposal to construct a pedestrian access across the West Fayetteville Bypass-Phase I project currently under discussion.

Transportation Engineer Carlos Christian said both he and Mr. David Jaeger of Mallett Consulting were present in order to seek direction from the Board on how to proceed with the construction of a pedestrian access across the West Fayetteville Bypass. He then turned the discussion over to Mr. Jaeger.

Mr. Jaeger explained that he trying to determine if the Board would support a method to provide a crossing of the West Fayetteville Bypass for use with the potential multi-use path system and, if so, what method would it support. He explained that this issue had been discussed at the monthly meeting of the SPLOST Committee for some time, and that the SPLOST committee had decided to seek guidance from the Commissioners on this issue. He next reminded the Board that, in 2006, Fayette County, the City of Fayetteville, the Fayette County Developmental Authority, the Fayette County School System and Piedmont Fayette Hospital participated in a task force study of the area located between Sandy Creek Road, Tyrone Road and State Route 54. He said the goal of the study was to develop a master plan for the development of the area around the hospital, and, of the many topics included in the study, transportation was identified for inclusion into the master plan. He continued that the master plan also recommended a multi-use path system in the area since it was understood that the area would potentially have a mixture of residential, commercial and educational developments, and that such a mixture would present an optimal opportunity for a multi-use system that would provide alternative transportation options. He added that, at the time, the SPLOST committee was aware that the West Fayetteville Bypass was in the design phase, and so they discussed the option of having either an underpass or an overpass constructed in order to allow the multi-use path to cross the West Fayetteville Bypass. He explained that the SPLOST committee discussed underpass or overpass options that he was now bringing to the Board for consideration, but added that he had a third option available for consideration which was an at-grade crossing.

Mr. Jaeger conceded that he did not believe that the at-grade crossing would generate much consideration since there were safety issues associated with having that type of crossing with a multi-use path system. He explained, however, that if the at-grade option was chosen, it would likely be located at an area where there would be four lanes of traffic on the West Fayetteville Bypass, and that it would be a modification to a regular pedestrian crossing since it would have additional signage and striping in order to accommodate the traffic. He also explained that an at-grade crossing could be constructed at any time, that it would have little or no impact to the construction schedule, but it would require some slight modification to the intersection as well as additional striping. He also emphasized that the at-grade option had not been discussed by the SPLOST committee.

Mr. Jaeger explained that the underpass had been discussed by the SPLOST committee, and that Public Works and the design team had identified potential locations for the underpass. He said if the Board chose to have an underpass, its locations would be limited due to drainage considerations, design grades and topographical elements. He mentioned that the installation of an underpass would require the County to obtain additional right-of-way easements, and that an underpass would have to be built as early as possible during this phase of construction. He explained that similar underpasses were located throughout the County but they were used to carry away stormwater drainage and were not constructed for vehicular or pedestrian traffic. He continued explaining that an underpass would require additional grading and construction for approaching the entrances to the underpass, and that the additional grading and construction would have to comply with the Americans with Disabilities Act. He stated that, after the SPLOST committee requested him to research the cost of installing an underpass, he contacted vendors and representatives of companies that provide prefabricated systems which are assembled on the site, and found that the minimal cost for installing an underpass was $100,000. He further explained that the prefabricated systems would be made of either concrete or steel-plate structures, and they would be installed only after the foundation for the underpass was laid. He noted that an underpass would require minimal maintenance over the long-term for the County.

Mr. Jaeger next stated that the overpass was also discussed by the SPLOST committee, and potential locations for it were identified by Public Works and the design team. He said if the Commissioners chose to have an overpass there would be greater flexibility in relation to its possible locations than are present with an underpass, but that it would also require additional right-of-way easements for its construction. He continued that an overpass would not necessarily have to be built at this time so the design requirements and right-of-way requirements would be able to be postponed until a later date. He mentioned that drainage issues are not a concern for an overpass, like they are for an underpass, but, as with the underpass, additional grading and construction would be required for approaching the entrances to the overpass and they would have to comply with the Americans with Disabilities Act. He explained that one potential location that has been identified for an overpass is in an area where the existing ground elevations on either side of the West Fayetteville Bypass are significantly higher than the road elevation so there would be minimal grading required in order to accommodate the approaches to the overpass, but he said if other locations were chosen for the cost of the overpass would rise simultaneously. He stated that the overpass would be constructed of prefabricated steel that would be delivered to the construction site before installation, and the minimal cost of the overpass was $250,000. He closed by saying an overpass would require periodic long-term maintenance, and while he thought the maintenance would not be major it was still worth considering.

Commissioner Maxwell replied that it sounded to him that all the Board had to decide during this meeting was whether or not it wanted an underpass, and Mr. Jaeger agreed. Commissioner Maxwell then asked if SPLOST funds would pay for any of these options. Chairman Smith replied that SPLOST funds would potentially pay for these options and explained that, if the Board chose the underpass option, its funding would come from the SPLOST funds. He continued explaining that if the other options were taken there was a “variable to consider” and that variable is that the area has been targeted for annexation by the City of Fayetteville, and if the City of Fayetteville annexed the area they could possibly pay for the overpass or at-grade crossing through its impact fees. Some discussion followed.

Commissioner Frady noted that he wanted to see the at-grade crossing given further consideration. Chairman Smith replied that there is a crossing that is potentially at that location on the road, and so that crossing would be an at-grade crossing. Mr. Jaegar continued on that thought saying the current plan does accommodate an intersection near the location being proposed for an overpass, and that the intersection was meant for future road tie-ins and therefore would accommodate some type of crossing that could be easily modified for pedestrian traffic.

After listening to the discussion, Chairman Smith said he was "hearing a consensus from the Board that it only wanted the road to proceed". A copy of the request, identified as "Attachment 12" follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

None.

ATTORNEY'S REPORT

Fayette Senior Services Lease and Operating Agreement: County Attorney Scott Bennett reported that, due to Fayette Senior Services recent move into the new facility, he had a new Lease and Operating Agreement between Fayette County and Fayette Senior Services that was similar to the older agreement that used when they were located in the old building. He explained that the current agreement stipulated that the County would provide Fayette Senior Services with a certain amount of funding that would be decided during the County's annual budget meetings, and that the County would provide the Fayette Senior Services with their building at the new location. He continued that Fayette Senior Services would be required to provide a certain amount of meals and services to Fayette County senior citizens in lieu of making a rent payment, and that the Lease and Operating Agreement is an annual agreement that automatically renews each year until such time that one the parties decide to terminate the agreement. He explained that it took much negotiation in order to get this agreement, but it has been signed by Fayette Senior Services and he requested that the Board authorize the Chairman to sign the Lease and Operating Agreement.

Commissioner Maxwell moved to authorize the Chairman to sign the Lease and Operating Agreement between Fayette County and Fayette Senior Services. Commissioner Horgan seconded the motion. Chairman Smith asked if this agreement was substantially the same as the prior agreement. Mr. Bennett said it was similar but it gave greater flexibility to the Board in setting an annual allocation amount and it required Fayette Senior Services to provided a minimal level of service in order to justify them using a four million-dollar building that belongs to Fayette County. Chairman Smith asked if the agreement was similar to cost and if it still required Fayette Senior Services to pay for their own operating costs, utility bills and phone bills. Mr. Bennett replied that the Lease and Operating Agreement did not include any funding changes and it did not obligate the County for Fayette Senior Center's operating costs.

The motion to authorize the Chairman to sign the Lease and Operating Agreement between Fayette County and Fayette Senior Services passed with a unanimous vote. A copy of the Lease and Operating Agreement between Fayette County and Fayette Senior Services, identified as "Attachment 13", follows these minutes and is made an official part hereof.

Atlanta Regional Commission Sub-Grant Agreement: Mr. Bennett reported that, during a previous meeting, Mr. Phil Mallon presented the Board with an opportunity to accept a Sub-Grant Agreement from the Atlanta Regional Commission (ARC) for a Transportation Plan Project, and the agreement stipulated that the ARC would contribute $250,000 if Fayette County would contribute $62,500 in matching funds. He said he had the Sub-Grant Agreement with him, and that the agreement had all of the standard conditions that the ARC requires about keeping records of all expenses in order to ensure that the money is spent on the transportation plan project. Commissioner Horgan moved to authorize the

Chairman to sign the ARC Sub-Grant Agreement between Fayette County and the Atlanta Regional Commission for the transportation plan project. Commissioner Frady seconded the motion. Chairman Smith asked if money had been budgeted in order to pay the County's portion for this agreement, and Interim County Administrator Jack Krakeel replied that it was accounted for in the budget. The motion to authorize the Chairman to sign the ARC Sub-Grant Agreement between Fayette County and the Atlanta Regional Commission for the transportation plan project passed with a unanimous vote. A copy of the Sub-Grant Agreement between Fayette County and the Atlanta Regional Commission, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Emergency Water Purchase Agreement: Mr. Bennett reported that he had an Emergency Water Purchase Agreement between Fayette County and Clayton County Water Authority and explained that the agreement stated that, during an emergency, Fayette County would sell water to Clayton County and Clayton County would sell water to Fayette County at the municipal water rate. He said the tie-in meter between the two counties would be located at County Line Road and Georgia Highway 85, and that Water System Director Tony Parrott had recommended that the agreement be approved. Commissioner Horgan asked who would pay for the meter tie-in and its connections, and Mr. Bennett replied that, while he was unsure of the answer, he thought the payment would be shared between the two counties. Some discussion followed regarding where the tie-in meter was actually located because County Line Road does not intersect with Georgia Highway 85. The Commissioners then, initially, asked Mr. Bennett to discuss the agreement with Mr. Parrott in order to determine the location of the tie-in meter, to determine who would bear the expense of the connection, and to determine what Fayette County was committing itself to financially before returning to the Board with this agreement. Mr. Krakeel interjected that this request could be connected to the Georgia Water Supply Competitive Grant Program application, and that while the grant application was due in the not too distant future, he was also unsure what the potential cost of the agreement would be. Chairman Smith asked if Mr. Krakeel knew when the application was due to the State and if a decision had to be made now or if it could be deferred until another time. Mr. Krakeel replied that he thought the application was due by August 28, 2008, and that, even though funding had been placed in a "hold position", he suspected that the due date would still need to be adhered to for the submission of the grant application. Chairman Smith suggested that the Board "authorize the Chairman to sign the agreement with the proviso that the cost be borne by the Water System and that the expense of the connection not be more than fifty percent of the connection cost of the two systems".

Commissioner Horgan moved to authorize the Chairman to sign the Emergency Water Purchase Agreement between Fayette County and Clayton County Water Authority, with the cost to be borne by the Water System, and for the cost not to exceed fifty-percent of the connection cost. Commissioner Frady seconded the motion. No further discussion followed. The motion passed with a unanimous vote. A copy of the Emergency Water Purchase Agreement between Fayette County and Clayton County Water Authority, identified as "Attachment 15", follows these minutes and is made an official part hereof.

Annual Contract for Waterline Extensions: Mr. Bennett reminded the Commissioners that during their July 24, 2008 meeting, they awarded the bid for the annual contract for waterline extensions to Lantz Construction. He said he had the contract, that authorization was needed for the Chairman to sign the contract, and that he had reviewed and signed all of the bonds and insurance documents associated with the contract. Commissioner Horgan moved to authorize the Chairman to sign the annual contract for waterline extensions with Lantz Construction. Commissioner Frady seconded the motion. No discussion followed. The motion passed with a unanimous vote. A copy of the Annual Contract for Waterline Extensions, identified as "Attachment 16", follows these minutes and is made an official part hereof.

STAFF REPORTS

Amendment to the C.W. Matthews Contract: Mr. Phil Mallon reported to the Board that C.W. Matthews is completing their milling and patching contract work that has been occurring throughout the summer and has been paid for with SPLOST funds. He stated that the original contract authorized $1.1 million dollars to be spent on milling and patching work, but, now that the work was being completed, it was projected that the work would come in approximately $188,000 under budget. He told the Board that there were two options that could be done with the $188,000, and that the first option was to return the money to the SPLOST budget. He said the second option, and the one favored by staff, was to utilize the $188,000 for the milling and patching of other roads that had already been identified by Mallet Consulting and that was already on the list of roads scheduled for milling and patching next year. He recommended that milling and patching work be done on Ebenezer Road starting from State Route 54 and traversing the two miles until it intersected with Ebenezer Church Road. He added that C.W. Matthews had already expressed interest in doing the work, and the reason he was bringing this issue up during staff reports was because, since C.W. Matthews was finishing their work next week, he wanted to be able to tell them, should the Board approve, to avoid any remobilization costs and to begin the work on Ebenezer Road. He said the cost to finish the work on Ebenezer Road could be as high as $238,000, and if it did exceed the $188,000 already authorized, he would have to return in a couple of weeks to ask for a $50,000 change order to the $1.1 million dollar contract. He explained that this work was already scheduled in the SPLOST program, and if the work were not done this year it would be a request made next year. He closed by saying August is a good month to pave in, and it would be good to end the summer with "this good, high visibility project".

Chairman Smith asked if this project was being accelerated from next year's projects and wanted to be sure it was not an "entirely new project". Mr. Mallon replied that this was a project that was being moved from next year's schedule to this year's, and therefore was not an entirely new project.

Commissioner Horgan moved to amend the County's existing contract with C.W. Matthews for asphalt resurfacing by adding Ebenezer Road from State Route 54 to Ebenezer Church Road to a list of roads approved for milling and patching at a cost of approximately $238,000 provided from the SPLOST funds. Commissioner Pfeifer seconded the motion before mentioning that some drainage problems existed at the intersection of Ebenezer Road and State Route 54. Mr. Mallon replied that he would take a look at the problem. Chairman Smith noted that signalization and other improvements were scheduled to be installed at State Route 54 and Ebenezer Road and asked if that had been taken into account with this request. Mr. Mallon replied that he would ensure that asphalt would not be laid in an area that would have to be torn up, and that the milling and patching work would start at an appropriate place on the road.

The motion to amend the County's existing contract with C.W. Matthews for asphalt resurfacing by adding Ebenezer Road from State Route 54 to Ebenezer Church Road to a list of roads approved for milling and patching at a cost of approximately $238,000 provided from the SPLOST funds passed with a unanimous vote. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

BOARD REPORTS

None.

EXECUTIVE SESSION

None.

ADJOURNMENT

Commissioner Frady moved to adjourn the August 14, 2008 meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Official Session was adjourned at 9:12 p.m.

Floyd L. Jones, 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 September 3, 2008.

Floyd L. Jones, Deputy Clerk