

The Board of Commissioners of Fayette County, Georgia met in Official Session on April 5, 2006, at 3:30 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT:           Greg Dunn, Chairman  
  Linda Wells, Vice Chair  
  Herb Frady  
  Robert Horgan  
  Peter Pfeifer

STAFF MEMBERS PRESENT:       Chris Venice, County Administrator  
   William R. McNally, County Attorney  
   Carol Chandler, Executive Assistant  
   Peggy Butler, Chief Deputy Clerk

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Chairman Dunn called the meeting to order, offered the invocation and led the pledge to the flag.

#### **PRESENTATION:**

##### **PROCLAMATION FOR CONFEDERATE HISTORY AND HERITAGE MONTH**

The Board of Commissioners presented a proclamation to the Sons of the Confederacy proclaiming the month of April 2006 as Confederate History and Heritage Month and April 26, 2006 as Confederate Memorial Day in Fayette County.

Chairman Dunn said this was something the Board did on an annual basis to honor their predecessors who fought and died for our community. He said it was incumbent upon us to be aware of our history, to honor our history and to honor the people who made it. He said the group here tonight was part of a group whose main focus was to teach our history to our young people. He said they were going to fifteen schools in our county this year to give presentations.

Scott Gilbert of the Sons of the Confederacy stated that no proclamation given would be taken with deeper gratitude than this one. He introduced Glenn Allen, Tony Parrott, Joe Bray, Al Guice and Jim Rector, members of the General LaFayette McLaws Camp #79. He said this group this year they had been to every public and private middle school in this county. He said they have talked to over 3,000 students, and have done this over the past five years. He said the towns of Brooks, Fayetteville and Tyrone had issued this proclamation and, for the very first time, Peachtree City would present this proclamation this year.

#### **OLD BUSINESS**

##### **DEMOLITION OF BUILDING AT KELLY PARK**

Anita Godbee, Director of Parks & Recreation, said that in February 2005 she came before the Board to discuss the current facility at Kelly Park. She said this building was a 40'x100' metal building that use to be served by the Fayette County Water System as a distribution plant. She said they were in the process of constructing Kelly Park and needed to make a decision as to what to do with this building.

Ms. Godbee said in determining the feasibility of using this building she had asked several people to help her determine whether or not it was useable. She said she first spoke with Bill Cushing, Director of Permits and Inspections. Mr. Cushing examined the building and determined that the steel was in good shape but a lot of work was needed to bring the building up to electrical code, the plumbing up to code and needed HVAC and sheet rock repair.

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Ms. Godbee then asked Greg Ownby, Director of Building and Maintenance, to explore various options such as auctioning the building off, selling it for scrap, or relocating the building. She said it was determined that none of these options were feasible or cost effective for the county.

Ms. Godbee said the last option they considered was renovating the building, including minor renovations of painting the interior, redoing the facade on the outside and redoing sheet rock.

Ms. Godbee said when she presented this to the Board at the February 1, 2006 Board of Commissioners Meeting, the board asked that she bring back a rendering of what the existing building would look like if it was renovated. She said the price she obtained for such a rendering was not cost effective.

Ms. Godbee then asked David Jeager of Mallet Consulting, the project manager for this park, to take a look at the building and give his opinion on whether the building should be renovated or to construct a new one as shown on the master plan. She said Mr. Jeager said he felt a new facility would be more cost effective and offer better function and conformance with the proposed park setting rather than renovating the existing building. He stated the renovation and design costs, even for a down sized version, would most likely exceed the cost of a smaller, newer building. He also stated a new building would be designed and constructed in accordance with the master plan as other park buildings were. He said achieving this through renovation would not be cost effective and would be difficult to obtain. He said the new facility would meet all building codes and ADA requirements, whereas renovating the existing building would require structural upgrades and electrical upgrades to achieve the ADA requirements and current building codes.

Ms. Godbee said she felt the goal of this park was to build something beautiful where individuals could walk and play and it had been a goal to build a park the county would be proud of in a cost effective manner. She said renovating this building would be placing a structure in the park that would be too big and not fit into the overall scheme of a passive park, too many upgrades would be required to bring it up to code, and the renovation process would not be cost effective. She said therefore staff was recommending that the building be demolished.

Ms. Godbee said if the Board had any questions she or Bill Cushing, Greg Ownby or David Jeager were available to answer them, otherwise she was asking for the Board's consideration of staff's recommendation to demolish the building.

Motion was made by Commissioner Wells, seconded by Commissioner Frady, to demolish the existing building at Kelly Park. Discussion followed.

Commissioner Pfeifer said he had a discussion with a local group that had asked that the county donate the land and the building to them. He said they volunteered to renovate the building on site and do maintenance work for us. He said he had made the offer to them in regards to auctioning off the building if they would pay to remove it. He said they looked over the building and came to the conclusion that they could not move it. Commissioner Pfeifer said they did ask him to ask the Board if they had any interest in letting them renovate the building and use for their purposes which was a nonprofit organization.

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Chairman Dunn said he was aware of these individuals, as they had also spoken to him in regards to this issue. He said unfortunately this would not work out for them or us very well. He said he could not support giving it to anyone and that, in fact, the government could not give the building to anyone, since there are hard and fast rules in Georgia about how publicly-owned properties are acquired, used, and disposed of.

Commissioner Frady said he had talked with them also.

Motion carried 5-0. A copy of information regarding the demolition, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**NEW BUSINESS:**  
**COMCAST PRESENTATION:**

Andy Macke of Comcast Cable said he had two things he wanted to present to the Board. He said one item was a snapshot of the Comcast operation, and he wanted to introduce the concept of bringing a Fayette community channel to the county and what that might involve from the county's side.

Mr. Macke presented a power point presentation to the Board. He said Comcast operated in three systems in the metro Atlanta area. He said they were the Metro, the North and the Perimeter system. He said Fayette County was in the Perimeter system which was a horseshoe around the Metro Atlanta area. He said this structure would likely change as Comcast looked to absorb more counties.

Mr. Macke stated Comcast had four key priorities that they focused on and built their annual goals from. He said first on the list was people. He said in order to get things done they had to have the right people in the right places. He said they had continuous training programs for their management team and for the front line staff. He said Customer Service was a big part of their operation. He said this was at the forefront of their focus. He said Growth was a big part of their focus. He said over the past few years they had brought on the On Demand service and the Digital Video Recorders. He said fourth was Community Investment. He said Comcast believed part of serving the community was being involved.

Mr. Macke said Comcast contributed about a half million dollars to the county coffers and property tax and franchise fees. He said there was almost \$200,000 in maintaining their plant and approximately \$10 million in various upgrades.

Mr. Macke said last year their focus was to develop their team. He said they also did a spring cleaning on their plant from the head end all the way out to their homes in order to offer local phone service. He said they made modifications to be able to deliver digital simocast.

Mr. Macke said they have an internal program called "Customer First". He said they measure themselves based on customer feedback. He said they had a third party organization come in and do a telephone survey to anyone who has had a visit. This information is computed and reported on a monthly basis.

Mr. Macke said they had continued to focus on community programming such as last year's Transportation-SPLOST program. They also filmed Lynn Westmoreland's forum on Social Security.

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Mr. Macke said they launched their phone service in October and had huge feedback. He said they added 20,000 customers in five months. He said they had expanded their expanded basic package and introduced a family friendly package which had been the subject of the regulatory discussion.

Mr. Macke said the Fayette Community Channel was the final item he wanted to talk about. He said Comcast felt that what was happening in communities and schools was important in the lives of the public. He said Comcast wanted to offer a service which would connect people more directly to the Fayette County community. He said as it stood now, there were four government channels in Fayette County being the Town of Tyrone, City of Fayetteville, City of Peachtree City and Fayette County government. He said these channels were simply text message bulletin boards. He said there was duplicate asset investments with no recurring upgrading or additional investments and capabilities. He said those four channels are underutilized resources.

Comcast brings to the table a metro area wide reach, a zoned network to bring programming to Fayette County and play it on the same channel, the same time and have something different than what is showing in another County. He said they also had cross channel inventory. He said with everyone of their programming deals they had a certain amount of 30 second slots that they can sell to companies or use to promote. He said they had built up production infrastructure that was part of coming in and producing as with the forums. He said the most important thing Comcast brought to the table was relationships with a variety of community organizations not only in Fayette County but also outside the county.

Mr. Macke said Comcast's idea was to create a community channel in Fayette County and duplicate in the other counties in the metro area. He said that would be a Fayette Community Channel, a Clayton Community Channel, a Cobb Community Channel, and so on. He said some content seen on that community channel would be consistent across the board such as the Atlanta Regional Commission's show. He said part of the issue was shows were being played but no one knows when they were being played. He said their idea was to place some promotion around these channels. He said not only would they distribute this content on a linear channel format, they would take advantage of the on demand capabilities and eventually web streaming so that people could view the content at any time.

Mr. Macke said they developed strategic partnerships with community organizations. He said they would produce a quarterly show where part of it would feature the organization and then a story regarding that organization. He said they would use cross channel promotions and during the show they would recognize the sponsor of that program. He said the sponsor would underwrite the cost of that program. He said there would be various tier levels that would change by the amount of the content that was produced.

Mr. Macke gave the commissioners a DVD containing the content they had put together.

Mr. Macke said Comcast was asking each of the municipalities, as well as the county, to give up their channel for a period of time to give this a try. He said in exchange Comcast would make an investment in producing programming and creating this community channel. He said this would continue to be a place where they could put announcements.

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Commissioner Pfeifer asked about the state government program. He asked is anyone tracked this program to see if anyone watched it. Mr. Macke said he thought they did but he did not have those numbers.

Commissioner Pfeifer asked if anyone ran realtime local weather. Mr. Macke he said the weather channel had the weather on the 8's and weather scan was a digital channel that was 24/7 local weather, that is local to metro Atlanta.

Commissioner Pfeifer said in reference to the phone service, he read where the cable based phone systems were having trouble with the E911 function. Mr. Macke said their phone service was fully E911 compliant. He said the FCC had stepped in and required anyone with phone service to meet E911 obligations.

Commissioner Pfeifer said he had been in Fayette County since 1987 and the service has improved with Comcast dramatically.

Commissioner Wells said the bottom line was how much was it going to cost the County. Mr. Macke said nothing, ever. Commissioner Wells asked if the county would need to hire extra staff. Mr. Macke said Comcast would do this, this would not be something the county would do. He said this would be a Comcast endeavor to make the business model work. He said Comcast would ask the board to give up the channel they were programming with the text messages.

Chairman Dunn said that meant giving up the channel Comcast gave them when they gave Comcast the franchise.

Mr. Macke said from a regulatory standpoint, rather than amending the franchise, he suggested to have a letter of agreement that ran beside the franchise agreement that would stipulate that for a trial period the county would give up their channel to see how this worked out and if it did not work out then Comcast would stop the process.

Commissioner Wells asked if there were any restrictions on the 30 second spots as to who could purchase them. Mr. Macke said as it stood now with those 30 second spots absolutely anyone could come in and buy a spot.

Commissioner Wells asked if there were numbers as to how many people were accessing the current channel for information. She said there were currently job listing and adoption listing from Animal Control that the board would like to continue. Mr. Macke said Comcast had the ability to pipe in announcements that might just be a different arrangement.

Commissioner Wells asked who would determine how much the county's business would be aired on that spot. She asked if the board was giving up a 24 hour coverage how much would the county be given. Mr. Macke said as it stood now there were four government channels, three with text messages and one with the American flag. He said by having four community channels there really was not one because none of these channels were branded as community channels. He said he felt that was an impact on who was viewing the community channels. He said they did not have a way to measure the viewing. He said there was more value that could be created by having a community channel that would exceed the control the board would be giving up. He said if it took having

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a firm policy in place as to how much time would be allotted he was certainly open to that. He said in reality there was plenty of time for everyone to have prime time space.

Commissioner Wells said she could see how it could start off saying the Fayette Community Channel but based upon sponsorship it could be just general information that would appeal to a lot of different people at a lot of different times, there again for Comcast's benefit and not the county's. Mr. Macke said there was things that were regional in nature or broader in nature that still impacted the Fayette Community.

Commissioner Wells stated that the programming was primarily driven by those who had the most money and they were the ones that would get the most visibility regardless of whether it was a Fayette Community issue or they had the money and had a target market in that area. Mr. Macke said certainly money was the driver. He said there were costs associated with producing the programming.

Mr. Macke said Comcast was looking to raise the bar on local programming. He said Comcast felt that the local element was a differentiation from us, to our competition, and something that could be a real positive. He said they were not looking to make money off of the production side of it, they would certainly like to break even, but the value to Comcast was creating something that was local, community based and identifiable with Comcast.

Commissioner Frady said he felt there should be more conversations on this matter.

Carol Chandler asked if there was a way to interrupt what was playing for an emergency announcement in Fayette County. Mr. Macke said absolutely.

Chairman Dunn asked about the school board channel, if Comcast was intending to take their channel away also. Mr. Macke answered that Comcast had a separate initiative that they were talking with the schools about. He said the education component was a different constituency. He said they were looking at jointly developing and identifying third party programming. Chairman Dunn asked if the Fayette County school board had production capability. Mr. Macke said he thought they outsourced their production, but it was essentially a one person show with that one person also having responsibility for public relations in general.

Chairman Dunn said when the Board agreed to give the franchise to Comcast part of the agreement would be that Fayette County would get a channel. He said that must have a great deal of value to Comcast. He said he would think a continuing relationship with the county would have value to Comcast. He said he would also think that if the county went to Comcast and asked them to produce something for the county they would so that they would have video capability on their channel if they asked Comcast. Mr. Macke said to get to a point where the county could get video on their channel they would have to make about a \$10,000 investment. Chairman Dunn commented that was not a great investment if they did not have the ability to get shows on there consistently. He said it seemed it would be worth getting Fayette County government and the Fayette County School Board to do it together. Mr. Macke said that was certainly an approach that would make sense to join the various entities together, form a partnership and make cooperative investments. Chairman Dunn said Fayette County government and the school board were the only two that were county wide entities.

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Chairman Dunn asked if Mr. Macke had talked to the three cities and how they felt about it. Mr. Macke replied that there was definitely positive interest.

Chairman Dunn said obviously in addition to Comcast's position that this would give better capability to those channels if there was additional video, it also frees up channels for Comcast to make money. Channels that we now own. He said it seemed like anything that Comcast might garnish from that there should be something in it from Comcast to those who now own a channel that they would have to give up. Mr. Macke said he would be willing to make an investment in programming that was somewhat aligned with what kind of increment dollars they were able to earn from freeing up these channels. He said the mechanism was already in place for the county to benefit from revenue generated off this process in terms of the franchise fee. He said they paid franchise fees on local origination content.

Chairman Dunn said he was concerned if there were four or five entities all competing on one channel for time it seemed like more people would fly through that than people who were looking for specific cities or the county. He said people that live here do know which channels are which. He said he understood what Comcast was trying to do but he also understood they were partners and if there was going to be a partnership change there needed to be considerable benefits for both partners. He said what he heard today did not make him feel there was enough benefit for this partner and seemed to be a grand benefit for Comcast.

Mr. Macke said he did not want the board to underestimate that there was a lot of work behind putting together programming and scheduling. He said he was certainly open to discussion. He said today was basically to throw the concept out there. He said he felt this was beneficial to the whole community.

Chairman Dunn said if the three cities were in favor of doing this it would clear up two channels. He said the county and school board could maintain their own.

Commissioner Wells said if it was a good deal for the community and they were partners why couldn't Comcast just do it any way. Mr. Macke said they needed a business model that worked to do it. He said as it stood now, there was nothing stopping any individual entity that operated a channel now from developing content. He said there was benefit in reclaiming those channels. He said if Comcast could create a revenue stream through those channels, then Comcast could make an investment in developing programming in this community.

Commissioner Wells said this was not part of the original agreement between the cities and county. She said she maintained it was because when they signed the original contract one of the concessions Comcast gave the board was one of those channels. She said it was tied in together because that was part of what the county was given with the franchise agreement to not come back and renegotiate and that was basically what Comcast was doing now. She said it was bottom line to Comcast's benefit more than the county's benefit. She wondered how much they were giving up to benefit a business model for Comcast.

Mr. Macke said the idea was to create something that was community based. He said there was certainly benefits for Comcast but he believed there were benefits for Fayette County as well. He said they would certainly be happy to come and produce a thirty minute show on what was happening with the county government.

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Chairman Dunn said he could understand from a business model what Comcast was looking for. He said what the county would be looking for was the biggest bang for the buck for people who lived in Fayette County. He said this was slanted more in Comcast's favor to the point where he could not go along with it but they could keep talking and if it looked a little different the next time they talked about it they may be able to make a deal.

Mr. Macke said they were throwing out a concept and certainly wanted input.

Chairman Dunn said Comcast service was miraculously better than what it use to be.

Commissioner Frady asked what was the length of the franchise. Mr. Macke said there were two franchises and he believed they were fifteen year agreements. He said one of the agreements was in the three year renewal window.

A copy of the power point presentation, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

### **STORM WATER MANAGEMENT PROGRAM:**

Phil Mallon, Fayette County Engineer, presented a power point presentation regarding the Storm Water Management Program in regards to what Fayette County was doing and what still needed to be done to fulfill mandated requirements.

Mr. Mallon said everything he was presenting was mandated with a few options of how the implementation was done. He said his goal was to give the Board a brief update of what the county was doing and what was needed to be done and what resources were needed to fulfill program requirements.

Mr. Mallon said there were two programs that were driving everything. One was a federal program that was part of the storm water permit and was referred to as a NOI-Notice of Intent. He said the second was a state program, the water planning district. He said this was brought upon ourselves through the state legislature.

Mr. Mallon said the two requirements paralleled each other but there were discrepancies in terms of schedules and requirements in a few areas.

Mr. Mallon said with the Water Shed Planning District there were three programs required. One was a Water Shed and the Engineering Department was taking the lead in. He said there was a Waste Water Supply and Water Supply/Water Conservation that the Water System was taking care of.

Mr. Mallon said the overall goals were to maintain or improve water quality within the county and to provide flood protection to property owners within the county. He said there was a huge cost in not managing storm water properly which included property damage, impaired drinking water, reduced recreation in terms of canoeing, fishing and swimming, lower property values and the exposure of the county to liability.

Mr. Mallon said the MPDES permit was a five year program that was initiated the beginning of 2003 and had taken approximately two and a half years to get the plan officially approved by the state. He said the state required full



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implementation of the plan by the end of 2006 and a year when everything went according to plan and then the state issued a new permit with hopefully very similar conditions.

Mr. Mallon said the Water Shed Planning District had its own schedule. He said they were following it as closely as possible.

Mr. Mallon said the storm water program had eight elements. He said the first six were shared by the NOI and the Water Planning District. He said this program was largely in compliance, everything was in place and was an ongoing, reoccurring activity with the exception of two goals. He said these goals were to get more aggressive on the illicit discharge and detection elimination system. He said he would like to get information available on the web page and publish newspaper articles. He said Peachtree City had been successful in getting their program out and the county needed to follow that lead.

Mr. Mallon said the second goal was that he had to present this information to the Board of Commissioners at least once a year in a public meeting. He said two programs added were a technical advisory panel. Chairman Dunn asked Mr. Mallon if he was chairing that panel and how many people were on it. Mr. Mallon replied that he was chairing the panel and 9 people were on the panel. He said they were looking for a citizen who was interested in this matter to serve on the panel.

Mr. Mallon said their other goal was a community clean up. He was looking for ideas.

Mr. Mallon said in regards to the illicit discharge, they were in the process of checking every inlet and pipe and outlet structure in the county, assessing if there are any signs of wastewater flow, and if so, tracking it down. He said the illicit discharge or IDDE program involved several steps. He said they were in the process of finalizing a plan. He said it needed to be very proactive. He said that would mean selective stream walks and expanding an existing water quality program at the Water System that would target areas and looking for signs of pollutants that would indicate an illicit discharge. He said that would take some money which was in Engineering's budget for next year.

Mr. Mallon said one of the changes in this document and what was being done was the inventory processed has been expanded from the urbanized area to the entire unincorporated county.

Mr. Mallon noted that in regards to erosion control, which was a big issue in Georgia, improvement in the program was needed. He said Jeremy Greenberg joined the county last year and brought field experience with him that has helped expand the county program. He said the industry as a whole was going through learning curve.

Mr. Mallon said in reference to storm water a regulation was passed last year that had big impacts to the Engineering Department, the developer and future home owner associations by establishing water quality and quantities that had to be met for all new construction projects.

Mr. Mallon said to create the program called Level of Service a document was created that said for any storm water structure in the county who was responsible for maintenance and the minimum maintenance requirements.

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Mr. Mallon said Pollution Prevention was another plan they had to put together. He said they were in the process of putting the plan together in-house. He said they were looking closely at what operations they were doing and if they were being done in a manner that minimized storm water pollution.

Mr. Mallon said they had adopted all of the model ordinances except the flood plain. He said they had the strategy that the existing flood plain ordinance and the water shed production ordinance in conjunction provide sufficient protection to the property owners. He said the state did not agree with that and they may have to adopt the model ordinance. He said it had a lot of new requirements, one which was the creation of a future condition flood plain and that involved the county estimated what the one hundred year flood plain would be based on ultimate build out in the county.

Commissioner Frady asked when the last time the flood plain map was updated. Mr. Mallon responded in 1996 and said they were in the process this year of creating digital flood plain maps.

Mr. Mallon said they had a meeting today in regards to the audit and Fayette County was looking very good.

Mr. Mallon said in reference to the Water Shed Assessment was not well defined. He said it has a long time frame and the responsibilities are being shared by the Water System and Engineering Department. He said at some point they would have to have a long term monitoring station where they measured physical, biological and chemical parameters.

Mr. Mallon said in summary the six items they were actively working on were Storm Sewer Mapping, Illicit Discharge Program, Level of Service, Comprehensive Pollution Prevention Plan, the flood plain work, water shed assessment. He said they would do all of this in a very proactive manner.

A copy of the power point presentation, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**Consent Agenda:** Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to approve Consent Agenda items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14. Motion carried 5-0.

Commissioner Frady said he would like the reference to him being the liaison contact for George Wingo be stricken from the record. He said he was that at one time but had not been since Harold Bost left.

Motion was made by Commissioner Frady, seconded by Chairman Dunn, to approve item #15 after deletion from the March 9, 2006 board meeting minutes of any reference of Commissioner Frady being the liaison between the Board, George Wingo and the Tax Assessors office. Motion carried 5-0.

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**BID AWARD #562-GRINDING SERVICES**

Approval of staff recommendation to award Bid #562 (Grinding Services) to the overall low bidder, Conkle Tree Services, to provide the bi-annual grinding service performed at the Transfer Station, in the amount of \$28,560. A copy of the contract, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**TRAINING AT THE ALABAMA FIRE COLLEGE**

Authorization to expend \$9,600 from the Fire Fund Contingency to reserve slots for personnel in the Apparatus Operators certification training classes in October and November at the Alabama Fire College. The state of Georgia does not offer this certification. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**BID AWARD #559 - ASPHALT**

Approval of staff recommendation to award Bid #559 (Asphalt) to the low bidder, APAC Southeast, Inc. The list of asphalt items is attached. Asphalt to be purchased as needed. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**BUDGET ADJUSTMENT FOR THE LIBRARY**

Approval of budget increase for revenue to the Library, from ICLE Satellite of \$165.00, by increasing the revenue account and increasing the other supplies account resulting in a zero impact on the Library's budget. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**MAIN STREET'S CALENDAR OF EVENTS**

Approval of Fayetteville Main Street's annual Calendar of Events. A copy of the calendar, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**APPOINTMENTS TO THE COUNTY DEVELOPMENT AUTHORITY**

Approval of reappointment of Dot Kite, Bryan Edwards, Phil Smelley, and Jack Smith to the Fayette County Development Authority for a term beginning April 9, 2006 and ending April 8, 2010. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

**BID AWARD #560 - GRAVEL**

Approval of staff recommendation to award Bid #560 (Gravel) to low bidder, Hanson Aggregates. The list of gravel items is attached. Gravel to be ordered as needed. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**BID AWARD #561 - HAULING**

Approval of staff recommendation to award Bid #561 (Hauling) to the low bidder, Pittstop Enterprises LLC, at \$57.50 per hour and to Tucker Trucking Enterprises, Inc. as the secondary vendor at \$60 per hour. Hauling service to be ordered as needed. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

**SUB-METERING OF APARTMENTS AND MULTI-FAMILY UNITS**

Approval of policy to require sub-metering of apartments and multi-family units before site plans are approved. A copy of the recommendation, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

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**BID AWARD #553 - LARP PATCHING**

Approval of staff recommendation to award Bid #553 (LARP Patching) to low bidder, APAC Southeast, Inc., for \$86.96 per ton. A copy of the bid tally, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

**AWARD OF CONSTRUCTION SUPERVISION TO MALLETT COUNSULTING**

Approval of staff recommendation to award construction supervision of the LARP patching work to Mallett Consulting, Inc. at \$16,250. A copy of the recommendation, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

**PROPOSAL AWARD #P545 - SOCCER FIELD CROWNING**

Approval of staff recommendation to award Proposal #P545 (Soccer Field Crowning) to the lowest, most responsive bidder, Tifton Farms for a net price of \$90,852. A copy of the recommendation, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

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**CONSTRUCTION OF ENCLOSED ENTRY AT THE 911 COMMUNICATION CENTER**

Approval to construct an aluminum and glass enclosed entry to the existing 911 Communication Center at an estimated cost of \$4000. Funds to be transferred from line item 52-3203. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

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**TOWERS PRODUCTIONS MATERIALS RELEASE FORM**

Approval by the Board for the Chairman to sign the Towers Productions Materials Release form authorizing Fayette County E911 department to provide two public records for program use as by Towers Productions, Inc. A copy of the release, identified as "Attachment No. 17" follows these minutes and is made an official part hereof.

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**APPROVAL OF BOARD MINUTES**

Approval of minutes for Board of Commissioners meeting held on March 9, 2006.

**PUBLIC COMMENT:**

Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

**JOHN W. MUNFORD, JR.**, resident of Fayetteville, Georgia and Fayette County proper, and reporter for the Fayette Citizen Newspaper. Mr. Munford read from a statement. He stated he was bringing this item to attention and was respectfully requesting that the Board either provide feed back to him tonight and perhaps consider putting this on the agenda for discussion and action at a future Board of Commissioners' meeting in the open. He said the problem was that he had received a letter of response from the county attorney's office in reference to the Open Records Request that he had filed. He stated the request was to inspect the copy of the forensic audit that

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had been extensively conducted on the Drug Task Force forfeiture funds of the Fayette County Sheriff's Department. He said the excuse he was given, and he called it an excuse as an editorial comment, was that it was protected by attorney client privilege and by attorney work product in light of the pending litigation between the Board of Commissioners and the Sheriff. He said that same excuse also prevented him from getting a copy of something else he requested in that Open Records Request which was for the invoice of the work conducted by the forensic investigators who took care of that. He said the County Commission Chairman had told him that the lawsuit with the sheriff had to do with enforcing accountability. He asked why then by dodging this Open Records Request was the county seeking to avoid the spirit and intent of the law and not be accountable to the public. He said please also answer how in the world was this invoice protected by attorney client privilege. He said he had no understanding of how that invoice, i.e. how much that cost, was considered attorney client privilege. He said he was speechless on that. He asked what the county had to fear in publicizing the underlying facts for bringing forth that law suit against the sheriff. He said the fact of the matter was that his request was for public documents that should be accessible to all. He said he looked forward to hearing their input.

Chairman Dunn told Mr. Munford to give his request to the Marshal and they would take it under advisement.

Mr. Munford said he did understand that sometimes things went through the county attorney's office that may or may not go before the board. He said he was asking the board to reconsider this as soon as possible.

**STAFF REPORTS:**

**COUNTY ATTORNEY DENNIS DAVENPORT** asked for the Board's consideration of an agreement from the Department of Transportation for the relocation of water lines along Highway 74 for the widening of Highway 74. He said it looked like the Department of Transportation was paying for the relocation through this agreement. He asked that if it met the Board's approval, to authorize the Chairman to sign the agreement.

Motion was made by Commissioner Wells, seconded by Commissioner Frady, authorizing the Chairman to execute the agreement from the Department of Transportation for the relocation of water lines along highway 74 for the widening of highway 74. Motion carried 5-0. A copy of the agreement, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

**ATTORNEY DENNIS DAVENPORT** asked for an Executive Session to discuss two legal items and one real estate item.

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

**EXECUTIVE SESSION:**

**LEGAL:** Attorney Davenport discussed a legal item with the Board.

The Board took no action on this matter.

**LEGAL:** Attorney Davenport discussed a legal item with the Board.

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Motion was made by Commissioner Pfeifer, seconded by Commissioner Wells, for the attorney to proceed in this matter. Motion carried 5-0.

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

The Board took no action on this item.

Motion was made by Commissioner Wells, seconded by Commissioner Frady, authorizing the chairman to execute the Executive Session Affidavit affirming that two legal items and one real estate item were discussed in Executive Session. Motion carried 5-0. A copy of the affidavit, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 7:00 p.m.

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Peggy Butler, Chief Deputy Clerk

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Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 7th day of June 2006.

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Peggy Butler, Chief Deputy Clerk