

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, September 28, 2006, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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

Chairman Dunn called the meeting to order, offered the Invocation and led the pledge to the Flag.

REZONING PETITIONS:

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County Commissioners. She said at this hearing the Board would listen to the concerns of everyone, whether in favor or opposition to the rezoning petition. She pointed out when a rezoning petition was called, the petitioner or representative for the petitioner would be allowed 15 minutes in which to present the details of the request, followed by anyone who wanted to voice support for the request. She stated that the Chairman would then allow all those individuals who were opposed to the rezoning to stand for a moment to display their opposition. She said the Chairman would then ask those individuals who wished to come to the podium to speak to remain standing so the Board and staff could get an idea of how to allocate its time. She said the Board would allow up to 3 minutes for each speaker. She said when the persons speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

Commissioner Wells further remarked that these hearings were a part of the permanent record and speaking at the podium with the microphone helped staff with their task of recording comments and ensured everyone being heard. She remarked when it was an individual's turn to speak that they come to the podium, state their name and address and direct their comments to the Board only. She asked that after individuals speak that they sign the sheet that would be provided by the Marshal in order for names to be spelled correctly for the record.

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Commissioner Wells stated that the Board wanted to hear from everyone who had something to say and they would pay close attention to each point raised. She said it would not be necessary for the same point to be raised over and over. She thanked everyone for their participation and announced that the Zoning Administrator would begin introducing each request in the order they appeared on tonight's agenda.

PACKAGED BEER AND WINE SALES PERMIT FOR BP FOOD MART APPROVED:

Director of Community Development Pete Frisina asked for the Board's consideration of a Packaged Beer and Wine Sales Permit for BP Food Mart, 166 Corinth Road, Jonesboro, Georgia, Shiraz M. Aly, Owner/Applicant. He said this property was located in Land Lot 182 of the 5th District, fronted on Hwy. 54 East and Corinth Road, and was zoned C-H. He said this request was for a new location.

Chairman Dunn asked for the Board's pleasure in this request.

On motion made by Commissioner Wells, seconded by Commissioner Horgan to approve the request for a Packaged Beer and Wine Sales Permit for BP Food Mart, 166 Corinth Road, Jonesboro, Georgia. The motion carried 5-0.

PETITION NO. 1181-06:

Director of Community Development Pete Frisina read Petition No.1181-06, Brent Scarbrough, President of Fayette Youth Protection Home, Inc., Owner, and Don Phillips, Agent, request to rezone 2.81 acres from C-C Conditional to O-I to develop office institutional uses. He said this property was located in Land Lot 250 of the 5th District and fronted on Hwy. 279 and Twiggs Way. He said the Planning Commission recommended approval subject to two (2) conditions and Staff recommended approval with two (2) conditions.

Don Phillips said he was the agent for the Fayette Youth Protection Home, Inc. He said the Fayette Youth Protection Home was a 501C3 corporation and was non profit and was organized and created for the purpose of caring for children who had been removed from their home environments because of abuse, neglect or abandonment. He said they were the only organization that he was aware of in Fayette County providing this kind of care at this time. He said they began serving the children of the County and surrounding area in 1989 when they opened the first group home called the Friday Home. He said in 1998 they built and opened a second home known as the Johnson Home. He said each home was designed to care for ten children with eight regular placements and two emergency placements per home. He said a few years ago the emphasis in placement of children changed. He said the new emphasis was to keep children with family if possible. He said the next option was to place them in foster care homes and then the third option was to place those children in group homes. He said this was done only when the other two options were not feasible. He said in order to comply with these changes, the Youth

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Protection Home made the decision to move into privatized foster care. He said as a result they closed the Friday Home a little over a year ago and placed it on the market. He said the purpose of that was to raise funds to support their foster care program. He said the change would allow them to care for more children and a broader range of children than ever before. He said they would continue to function with the help of Georgia Baptist Children's Home and Family Ministries and they would continue to help them as the operation of the Johnson Home was continued as a group home. He said there had been considerable interest in the Friday Home but because organizations were no longer moving toward group homes they had been unable to sell it primarily because of the present zoning. He said they had been advised that if the zoning could be changed from C-C conditional to office and institutional that they would be able to sell this property. He said they hoped the Board would approve this request for a change in zoning and help them to serve the children who were victims of abuse and/or neglect.

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

Kathy Allgood, 155 Kenwood Road, Fayetteville said she was not in opposition to the concept that the applicant had. She said all but one Commissioner was familiar with the way she felt about the Kenwood area. She said she attended the rezoning hearings in 1987. She said the concern at that time was the zoning. She said this was not against the Youth Home itself but the zoning that was being changed in that area. She said the entire area there was agricultural and residential. She said she was aware that applicant was having trouble selling the property and her heart went out to them. She said her main concern was what another rezoning was going to do to the Kenwood community. She said this was a sensitive issue and she did not know what the alternative could be there. She said no one cared for children more than she did but the zoning was the problem. She said she had spent half of her life trying to preserve this area and she was not going to stop now.

Chairman Dunn asked if anyone else wished to speak in opposition to the request. Hearing none, he said the applicant would now have time for rebuttal. The applicant said he had none.

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

Commissioner Pfeifer said he agreed with Ms. Allgood. He said since he had become a Commissioner and realized that this piece of property was zoned commercial he had been concerned. He said this specific property had come up before and he was appalled at what could happen to this property because of some well meaning zoning that was done many years ago. He said commercial zoning did not belong there and the O-I zoning was a less intense use.

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Commissioner Frady said he agreed and remarked that the O-I zoning would be less intense than commercial. He said this was the best thing that could be done for the community and that was to have office/institutional there. He said he was in support of the O-I zoning.

Chairman Dunn said the Board had always been concerned with the zoning that had been put on this property back in the 1980's. He said for some reason it was conditioned C-C and there was no need to make it commercial for the use that they used it for. He said he favored removing that zoning since it might bring in commercial businesses to a residential area. He said with O-I the worst thing to come in would be a doctor's or lawyer's office.

Mr. Frisina reminded the Board that there were also two conditions on this rezoning request.

On motion made by Commissioner Pfeifer, seconded by Commissioner Frady to approve Petition No. 1181-06 as presented with two recommended conditions. The motion carried 5-0. A copy of the recommended conditions, Staff's Analysis and Investigation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1181-06, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PETITION NO. 1182-06:

Director of Community Development Pete Frisina read Petition No. 1182-06, Rose M. King, Trustee, Owner, and Charles H. Jackson, Agent, request to rezone 10.18 acres from A-R to R-75 to develop four (4) single-family dwelling lots. He said this property was located in Land Lot 225 of the 13th District and fronted on Wagon Wheel Trail. He said the Planning Commission recommended approval subject to one (1) condition and Staff recommended approval subject to one (1) condition.

Charles Jackson said he was representing the applicant Rose King. He said the request was as listed on the agenda. He said they recognized the one condition that was to dedicate thirty feet of right-of-way from the center line of Wagon Wheel Trail over to the County.

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

On motion made by Commissioner Wells, seconded by Commissioner Horgan to approve Petition No. 1182-06 as presented with one recommended condition. The motion carried 5-0. A copy of the recommended condition, Staff's Analysis and Investigation, identified as "Attachment No. 3", follows these minutes and are made an official part hereof. A copy

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of the Ordinance and Resolution approving Petition No. 1182-06, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

UPDATED MILITARY LEAVE POLICY APPROVED:

Human Resources Administrator Lewis Patterson stated the County has had a military leave policy for many years and had always taken good care of the employees who were called to active duty. He said their rights were governed under the Uniformed Services Employment and Reemployment Rights Act which dated back to the 1940's. He said during the last few years the Federal Government had made some enhancements and Human Resources wanted to make sure that the County was in full compliance and afford employees all of the opportunities that were given to them under their rights. He said employees would have the opportunity to continue County healthcare along with the Tricare which they were afforded under the military while they serve. He said they would also have the option to use annual leave along with reinstatement pay that the County pays them when they come back within certain guidelines of their reapplication depending upon how long they were out. He said the County also wanted to make sure that the employee's seniority and retirement plans were put back into effect allowing them to make up contributions to their retirement plans that they missed while they were on active duty. He said the County also wanted to make sure that when the employee did return to work that their healthcare plans were reinstated immediately without a waiting period. He said the County Attorney had reviewed this plan and it met with his approval. He said he would be glad to answer any questions that the Board might have.

Chairman Dunn asked how many County employees had served in the military.

Mr. Patterson replied that there were approximately twelve employees who were subject to being called to active duty. He said currently there were two employees who were on active duty status. He said upon the Board's approval of this plan, Human Resources staff would meet with the employees who may be affected. He said there were also forms that would need to be completed so that leave could be tracked to make sure everything was done in order.

Chairman Dunn said Human Resources had done a good job in updating this plan. He said these families needed to know that their jobs, seniority, pay and healthcare were protected. He asked if the Board had any other questions. Hearing none, he asked for the Board's pleasure on this matter.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve the updated military leave policy as presented. The motion carried 5-0. A copy of the Military Leave Policy, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

FAYETTE COUNTY MULTI-USE PATH AND BICYCLE SHOULDER PLAN APPROVED:

Director of Community Development Pete Frisina remarked that he was presenting a proposed multi-use path and bicycle shoulder plan. He said he had enlisted some other departments to give him help in coming up with this plan. He remarked that this was a very general layout for areas to put multi-use paths and/or bicycle shoulders to connect with the cities, parks, schools and other points of interest. He said this was the plan that staff would be recommending using as the County's concept of where paths might go. He said all of the paths would have to be done in very small segments and detailed studies would have to be done to determine if this entire path system was even feasible. He said staff would work on this in very small segments from here on out. He noted that bicycle shoulders had been put mainly on new roadways and/or State highways. He pointed out that when roads were improved the State would work with the County to try and accommodate these paths. He felt this was something that could be accomplished as new roadways were built.

Mr. Frisina further remarked that he had taken every conceivable plan that he could find that had been done in the past and put all of them on one map to see where they had come together and where they had fallen apart. He said the one area where it seemed to all come together was Redwine Road. He said all of the older plans seemed to show Redwine Road listed on the plan. He felt concentration should be to build a path along Redwine Road since there was already a path planned for the Northern section plus other sections between Highgrove and Timberlake down by the school. He felt this would probably be the first place to go to begin a multi-use path system. He said in the work that staff had been doing with the task force in looking at the hospital area, it was felt that the hospital area was going to be an activity center and employment center for the county. He said a path had been added in that area in order to connect the Northern portion of Peachtree City to that area as well. He said this was just a general layout so that detail planning could be discussed on each segment.

Commissioner Horgan asked for the total number of miles involved in this plan.

Mr. Frisina replied that he had not calculated that figure. He said this was just a very general plan.

Chairman Dunn remarked that this was not a short term plan. He said the first half of the Redwine Road project was currently being done and all of the contracts had already been executed. He said there was money available from the A.R.C., the State Government and the Federal Government for a plan of this nature. He said those monies would help offset the cost of such a plan. He said he was in support of this plan 100%.

Mr. Frisina said this would be the plan that staff would like to present to the A.R.C. as Fayette County's plan and have that go on the record as such.

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

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On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to adopt the Fayette County Multi-Use Path and Bicycle Shoulder Plan as presented. The motion carried 5-0. A copy of the Plan, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

FURTHER DISCUSSION OF THE ORGANIZATIONAL ASSESSMENT BY THE U.G.A. CARL VINSON INSTITUTE OF GOVERNMENT OF THE PRESENT COUNTY DEPARTMENTAL STRUCTURE AND RECOMMENDED CHANGES:

Commissioner Frady requested that this item be tabled to the October 4, 2006 Board of Commissioners' meeting.

It was the consensus of the Board to table this item to the October 4, 2006 Board of Commissioners' meeting.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the consent agenda as presented. The motion carried 5-0.

FINANCE DEPARTMENT: Approval of staff's recommendation to reclassify the Accounting Tech position within the Finance Department to Inventory Analyst effective October 1, 2006. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

AMBULANCE TRANSPORT SERVICES WRITEOFFS: Approval of staff's recommendation to write off \$13,261.72 of ambulance transport services revenue in fiscal year 2006. A copy of the recommendation, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

MALLETT CONSULTING - AWARDED OLD ROAD ENGINEERING AND CONSTRUCTION: Approval of the staff's recommendation to award the engineering design and construction plans for Old Road to Mallett Consulting for \$23,500 to be paid from Contingency. A copy of the recommendation, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

ROAD DEPARTMENT: Approval of staff's recommendation for a FY2007 budget transfer of \$1,591 from Salaries to Technical Services to cover the cost of a temporary employee for the Road Department. A copy of the recommendation, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

BRECHIN PARK SUBDIVISION - MOTORIZED CART TRAVEL AUTHORIZED:

Consideration of approval for the specified streets in Brechin Park Subdivision to be authorized for the use of motorized cart travel per Ordinance 95-10, Streets in Brechin Park Subdivision include: Brechin Drive, Bontura Drive, Bramlet Court, Fenhurst Point and Densmorr Ridge. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

ELECTIONS OFFICE: Approval of staff's recommendation to use appropriated funds for voting machines for the following: Purchase five express poll units (\$12,500) and port switches (\$125) for a total of \$12,625 with funds originally appropriated for the purchase of 50 additional voting machines. A copy of the recommendation, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

MCINTOSH TRAIL MH/DD/SA: Approval of staff's recommendation for authorization that the Chairman of the Board of Commissioners sign the Agreement for Services from McIntosh Trail MH/DD/SA Services for FY 2007 with appropriated funds approved in the FY 2007 budget. A copy of the Agreement of Services, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

BUILDING AND GROUNDS MAINTENANCE DEPARTMENT: Approval to transfer \$3,784 from Building and Grounds Maintenance budget line item for janitorial/cleaning services FY 2007 to the E-911 budget. A copy of the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

GEORGIA FORESTRY COMMISSION: Approval of staff's recommendation to transfer \$140 from Contingency to cover budget shortage for the Georgia Forestry Commission budget for FY 2007. A copy of the recommendation, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

FINANCE DEPARTMENT: Approval of staff's recommendation to transfer \$662.96 from FY 2006 Contingency to the Insurance and Bond Services Account to pay Insurance Deductibles for Law Enforcement (\$10,000)/Public Officials (\$17,708.96). A copy of the recommendation, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

MASSANA CONSTRUCTION LLC - AWARDED BID FOR KENWOOD PARK PHASE

I: Approval to award the bid for Kenwood Park Phase I Site Work to the low bidder, Massana Construction LLC in the amount of \$1,765,890 and authorization for execution of a subsequent contract by the Chairman. A copy of the recommendation and contract, identified as "Attachment No. 17", follow these minutes and are made an official part hereof.

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MINUTES: Approval of minutes for Board of Commissioners' Special Called Budget Meeting held on May 3, 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.

Assunto Banks: Assunto Banks, 455 Revenna Trail in Ellen's Ridge Subdivision, Fayette County. Mr. Banks expressed concern with several issues. He felt there was a blurred line in transitioning from Fulton County into Fayette County. He asked the Board to consider hiring more inspectors for enforcement in order to keep up with the growth in Fayette County so it could continue as the model for other communities.

STAFF REPORTS:

TRANSFER OF CONTRACTS FROM A.P.A.C. SOUTHEAST, INC. TO C.W. MATTHEWS COMPANY, INC.: Attorney McNally said there were three outstanding contracts involving A.P.A.C. Southeast, Inc. for road patching, lane improvements on S.R. 279 at the Kenwood Park entrance, and the 2006 County Patching and Resurfacing Agreement. He noted that A.P.A.C. had been purchased by C.W. Matthews Contracting Company, Inc. and they have executed assignment of those projects as well as the payment of those projects to C.W. Matthews. He asked for the Board's consideration to authorize the Chairman to execute assignment of these contracts to C.W. Matthews Company, Inc.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Assignment for the transfer of these contracts from A.P.A.C. Southeast, Inc. to C.W. Matthews Company, Inc. The motion carried 5-0. A copy of the Assignment Agreement, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

UPDATE OF THE 401 WATER WITHDRAWAL PERMIT FOR LINE CREEK: Attorney McNally reported that on September 6, 2006 the Department of Natural Resources notified Fayette County that a 401 Permit had been issued by the State for the withdrawal of water from Line Creek. He said two permits were required for the County to complete the project including a 401 Permit from the State and a 404 Permit from the U.S. Army Corps of Engineers. He said the County had not yet received the 404 Permit and efforts were continuing.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss four legal items.

Commissioner Frady requested an executive session to discuss one real estate matter.

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EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Chairman Dunn to adjourn to Executive Session to discuss four legal items and one real estate matter. The motion carried 5-0.

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

The Board took no action on this matter.

LEGAL: Attorney McNally reported to the Board on a legal item.

The Board took no action on this matter.

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

It was the consensus of the Board that Attorney McNally proceed in this matter.

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

The Board took no action on this matter.

REAL ESTATE: Commissioner Frady reported to the Board on a real estate matter.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that four legal items and one real estate matter were discussed in executive session. The 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 7:45 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 12th day of October, 2006.

Karen Morley, Chief Deputy Clerk