Minutes

Board of Commissioners
July 24, 2008
7:00 P.M.

The Board of Commissioners of *Fayette* County, Georgia, met in Official Session on Thursday, July 24, 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 Karen Morley, Chief Deputy Clerk Floyd L. Jones, Deputy Clerk

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Call to Order by Chairman.

Call to Order, Invocation and Pledge of Allegiance.

Chairman Smith called the July 24, 2008 Board of Commissioners meeting to order at 7:09 p.m. Commissioner Pfeifer gave the invocation. Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Pfeifer moved to accept the agenda as published and was seconded by Commissioner Horgan. Chairman Smith stated that an Executive Session took place prior to this meeting during which an item of litigation was discussed, and asked for the agenda to be amended to allow Attorney Laurel Henderson to present her recommendation to the Board prior to Public Hearings. Chairman Smith also asked that Consent Agenda Item 3 be reworded to read "three requests" instead of "two requests". Commissioner Maxwell moved to amend the agenda with the two changes as requested and was seconded by Commissioner Horgan. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION

A. Recognition of Eagle Scout Cole Harp.

Captain Pete Nelms and Environmental Engineer Vanessa Birrell introduced Mr. Cole Harp to the Board and informed the Commissioners about Mr. Harp's work and contribution to Fayette County. Mr. Harp then briefly explained his Eagle Scout project and the work it entailed to the Commissioners. Chairman Smith congratulated Mr. Harp for his accomplishment, thanked him for his contribution to the community, and read and presented a letter of commendation to Mr. Harp. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

B. Recognition of Eagle Scout Samuel Strawbridge.

Eagle Scout Samuel Strawbridge explained his Eagle Scout project and the work it entailed to the Commissioners. Chairman Smith commended and congratulated him for all he had done for scouting and Fayette County before he presented a letter of commendation to Mr. Strawbridge. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

C. Presentation of the Government Finance Officers Association Certificate for Excellence in Financial Reporting for Fayette County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2007.

Interim County Administrator Jack Krakeel announced that it was his pleasure to inform the Board that Fayette County received notification from the Government Finance Officers Association stating the County has, for the fifteenth consecutive year, received the Excellence in Financial Reporting Certificate for its Comprehensive Annual Financial Report (CAFR). He congratulated the Board for this achievement as well as Finance Director Mary Holland and Assistant Finance Director Toni Jo Howard since they have the principal duty and responsibility to submit the CAFR on an annual basis while ensuring it meets all the requirements established by the Government Finance Officers Association. He explained the CAFR is judged by an impartial panel of financial professionals in order to determine compliance with the high standards of the program which includes demonstrating a constructive spirit of full disclosure to clearly communicate an entity's financial story for the fiscal year that is represented. He continued by saying the Government Finance Officers Association is comprised of more than 16,000 government finance professionals, is considered a gatekeeper for monitoring and recommending improvements to governmental financial reporting, and consistently influences change in reporting standards that raise the bar for governmental entities. He concluded that he was very proud that Fayette County was awarded by the Government Finance Officers Association for outstanding reporting. Chairman Smith commented that, as a Certified Public Accountant and Auditor, and since he understood what is involved with all the work, he could confirm that it takes a great amount of work to put together the CAFR and that it is extremely difficult to maintain the information required year-in and year-out. He commended Ms. Holland and Ms. Howard for achieving the recognition this year and said it was quite an outstanding achievement for Fayette County to be awarded for fifteen years consecutively. He closed by thanking Ms. Holland and Ms. Howard for their hard work and diligence on behalf of the citizens of Fayette County. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

D. Presentation of the Georgia Association of Water Professionals 2008 Platinum Award to the Fayette County Water System's Crosstown Water Plant and the South Fayette Water Plant for complete and consistent compliance with the Safe Drinking Water Act for the year 2007.

Assistant Water System Director Russell Ray announced that Fayette County's Water System's Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant received the Water Professionals 2008 Platinum Award. He explained that each year water utilities are awarded the Gold Award for complying with the Safe Drinking Water Act, reported that Fayette County had received the Gold Award for the previous five years, and reiterated that Fayette County received the Platinum Award this year. He congratulated the plant operators since they are both knowledgeable and capable of complying with the rules and regulations required to produce safe water for the public. Chairman Smith commented that many people take it for granted that water comes out of the tap when it is turned on. He pointed to the drought metro Atlanta is facing and the problems in DeKalb County saying those problems cause people to understand how critical safe drinking water is. On behalf of the Board and the citizens of Fayette County, he thanked that Water System's staff and, particularly, the plant operators who are the "hands-on people ensuring Fayette County has safe drinking water". A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

ATTORNEY'S REPORT

Settlement of Lawsuit regarding Signage: Chairman Smith reminded the Board that the agenda was amended to allow an attorney's report to be presented prior to Public Hearings before he asked Attorney Laurel Henderson of Henderson & Hundley, P.C., located in Decatur, Georgia, to make her presentation.

Ms. Henderson asked the Board to consider a proposed settlement to the lawsuit filed by Mr. Curtis "Bubba" Coffey, Mr. Wayne Charles, and Tanner Advertising Group, against Fayette County, Georgia. She explained the lawsuit had been pending for four years, and work had continued for quite a long time to resolve the suit. She informed the Board that a separate Tanner Advertising lawsuit was recently lost in Federal Court, but the lawsuit against Fayette County was different because it was postured under Georgia State law and in a different manner. She said there were a number of issues for the Board to consider as they made their decision such as how Georgia law has changed from the time the lawsuit was first initiated until now, and the lawsuit was heard by the Georgia Supreme Court on two occasions and was lost both times. She explained that another issue to consider was based on a similar lawsuit that Fulton County lost, and that loss drew a distinction between Federal laws that "are not content based and do not invite strict scrutiny" and Georgia law that is content based. She said that distinction would affect the probable outcome of the lawsuit if it went to trial. A fourth issue to consider, she added, was that this lawsuit was different from other sign litigation suits since the County had actual plaintiffs asserting claims under the provisions that govern election sign campaigns, and she concluded that governments have universally lost cases that had any provisions affected by campaign signs or elections. She summarized by saying Fayette County was in a very poor position to win the case under the currently existing law that has been "expanded" by the Georgia Supreme Court.

Ms. Henderson reported she has worked at negotiating with the other side to reach as narrow an agreement as possible, and she was presenting that agreement to the Board for its consideration. She stated that Tanner Advertising Group was proposing a settlement that would allow them to erect two billboard signs instead of the eight billboard signs they originally desired. She reminded the Board that Tanner Advertising Group originally wanted eight billboard signs placed throughout Fayette County along State Route 54 and Georgia Highway 85, and if they prevailed in the lawsuit, they could contend that they are entitled to erect the eight billboards. She did not believe they would be able to place the eight billboards, even if they did prevail in the courts, but she thought Tanner Advertising Group would be entitled to damages

for the full value of the billboards and the revenue they would earn. She continued that, if the settlement were to be accepted, Tanner Advertising Group would be able to place a billboard at Georgia Highway 85 and 145 Walker Parkway. She said Tanner would also be permitted to place a second billboard at a commercial or industrial parcel adjacent to the west side of Georgia Highway 85 and within 2,000 feet of the intersection of Georgia Highway 85 and Georgia Highway 279. She noted that the second sign would remain oriented to Georgia Highway 85. She noted that the settlement specifically prohibits LED displays on the billboards, but would permit the billboards to be double-faced, tri-vision billboards in order to allow for a variety of messages. She also stated that, while the County does not have the right to tell people what can or cannot be placed on signs, Tanner Advertising Group has proffered that, if they are allowed to place the two signs as proposed in the settlement, the billboards would never be used for adult entertainment-type establishments, strip clubs, lingerie modeling, or any other adult-type subject matter. She added that the settlement stipulated that, if Tanner Advertising Group does not secure its permits within one year of the date of the agreement on either site, they will be locked out of the site. Ms. Henderson continued saying the settlement would also require Fayette County to pay $50,000 in attorneys' fees and $5,000 made payable to Mr. Coffey as full settlement for his claims. She mentioned that the $5,000 payment to Mr. Coffey is a relatively nominal sum that recognized some damage to him since he was forced to remove election signs and told which signs to remove. She noted that the "other side" had indicated in discussions that their attorneys' fees were already in excess of $100,000, that she thought that figure was plausible, and she thought the attorneys' fees could easily double should the lawsuit go to trial. She strongly recommended that the Board accept the settlement since it would give Fayette County and its citizens certainty and would avoid a negative result that would very expensive since Fayette County could be facing "very substantial damages" if there were no agreement and the lawsuit was lost.

Chairman Smith asked Ms. Henderson how long she had been in practice, and Ms. Henderson replied she had been in practice for approximately 22 years. Chairman Smith asked how long she had been involved in defending the constitutionality of sign ordinances for local governments. Ms. Henderson answered she had been involved in defending the constitutionality of sign ordinances for local governments almost the entire time she has been in practice, that she had been involved in more First Amendment work than most attorneys, that she had worked in both adult entertainment and sign litigation cases on behalf of local governments, and that she currently performs sign ordinance reviews for the Georgia Municipal Association where different cities send in their sign ordinances so she can analyze them and provide guidance on what needs to be corrected. Chairman Smith asked if it was correct that former County Attorney Bill McNalley recommended that Fayette County engage her for defense of the sign ordinance due to her experience and because sign ordinance litigation is an area of specialization for her law firm. Ms. Henderson replied that was correct. Chairman Smith asked Ms. Henderson to provide an estimation of the monetary damages Fayette County would have to pay if it lost the lawsuit. Ms. Henderson answered that the damages would be substantial, explained the damages would be calculated over a ten to twenty-year period of time, speculated that each sign face would probably result in an annual damage award of about $750,000 per year, and reiterated that if a $750,000 award for each year was projected over a ten-year time frame the damages would cost a substantial amount of money. Chairman Smith asked for Ms. Henderson's professional opinion about the probability that Fayette County would win the lawsuit should it go to trial. Ms. Henderson said, in lieu of the case previously mentioned regarding Fulton County, there was a very low probability that Fayette County would succeed in its litigation. Chairman Smith next asked many more dollars of legal fees could Fayette County incur should it decide to pursue litigation. Ms. Henderson explained that expert witnesses would have to be hired, that factual groundwork for the trial in Superior Court would have to be done, and that there would be a trial that would last for probably three days before saying that work alone would cost Fayette County approximately $100,000. She said if Fayette County prevailed in front of Judge English, who has already ruled in favor of Fayette County twice, the plaintiff would undoubtedly appeal the decision, and Fayette County would have to pay for that appeal as well. She added that, if Fayette County lost the case, the County would have some exposure to the other side's attorneys' fees, and those fees would be about twice as much since they charge a much higher rate per hour. Chairman Smith said Ms. Henderson reasonably explained why Fayette County should accept the settlement and asked if accepting the settlement

would have any bearing on the current sign ordinance and, if it did not, why not. Ms. Henderson replied that settling the case would not have any bearing on the current sign ordinance since the first step she took after becoming involved in the case was to ensure Fayette County had a new sign ordinance that differed from the old ordinance under which the permits were originally sought. She believed the new sign ordinance was "in good shape" and if anyone applied for a sign permit from this point forward, their application would be subject to the new sign ordinance. She reiterated that Fayette County would not have any exposure under its new sign ordinance.

Chairman Smith announced that the Board had received a recommendation from counsel to accept a settlement which would require Fayette County to pay $50,000 in attorneys' fees, $5,000 to the plaintiff in settlement of all claims, and allow the location of two billboard sites on Georgia Highway 85. Commissioner Maxwell moved to accept the settlement requiring the County to pay $50,000 in attorneys' fees and $5,000 to Mr. Coffey, to allow the location of two billboards on Georgia Highway 85, and to authorize the Chairman to sign the settlement documents. Commissioner Horgan seconded the motion.

Commissioner Pfeifer announced he would oppose the motion for two reasons. He said the first reason he would oppose the motion was due to a difference of semantics since he did not believe the case was lost at the Georgia Supreme Court but was only returned to the local court for a decision. He said the second reason he would oppose the motion was the settlement would not make Fayette County immune to future lawsuits. He closed by saying that the citizens should be aware of that possibility.

Commissioner Frady expressed his thought that the taxpayers would be at greater risk if the County pursued the lawsuit and that it was prudent to follow counsel's advise to accept the settlement. He mentioned that he did not want to see billboards in Fayette County, but with the County in this position it would be foolish not to accept the settlement in light of the money it would cost the taxpayers in the future by going to trial. He concluded saying he was in favor of the motion.

Chairman Smith thanked Ms. Henderson for her work on Fayette County's behalf before saying none of the options were particularly appealing. He said it was unfortunate that the County sometimes finds itself in positions where it must choose between the "lesser of the evils", and in this particular case the choice is between the evils and expense. He asked for the record to reflect that the majority of the Commissioners on the current Board inherited this lawsuit, and that, while this lawsuit was not of this Board's making, this Board did not have the ability to avoid the issue.

The motion to accept the settlement requiring the County to pay $50,000 in attorneys' fees and $5,000 to Mr. Coffey, to allow the location of two billboards on Georgia Highway 85, and to authorize the Chairman to sign the settlement documents passed in a 4-1 vote with Commissioner Pfeifer voting in opposition. A copy of the settlement document, identified as "Attachment 5", follows these minutes and is made an official part hereof.

PUBLIC HEARING

E. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitation of Walls and Fences, and 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.

Community Development Director Pete Frisina introduced the topic by saying staff has been working on this issue since October 2007 when a property owner approached the Board about a fence built in the County's

right-of-way. He said staff looked at the fence but, while doing so, discovered a number of other fences that are out of compliance with the current ordinance. He gave a brief explanation of the current ordinance before explaining that the proposed amendments resulted from a review of the current ordinance and from observing the fences and walls currently constructed in Fayette County. He said the proposed amendments would help control how and where fences are built before he explained the differences, applications and exemptions permitted through the proposed amendments. He added, if the proposed amendments were adopted, there would be a need for a public awareness initiative and information would need to be sent to the local newspapers, posted on the County's website, and contact would need to be made with local fencing and masonry businesses in the area. He summarized saying staff tried to take the existing ordinance, incorporate the types of fences already constructed in Fayette County, and produce an enforceable ordinance.

Chairman Smith questioned the wording of the last sentence of in Article V., 5-17, A-1, and suggested the word "will" be changed to "shall". He then asked what the "35 feet" were based on in Article V., 5-17, C-3. Mr. Frisina replied it was based on his personal observation of a large fence already constructed in the County. Chairman Smith next questioned Article V., 5-17, D, saying that it seemed "to preclude a fence following the grade of the land as would be expected", that it also seemed to mandate that a fence must be built in a stair-step design, and suggested that its wording be changed. Mr. Frisina suggested the wording could be changed from "will result in a stair-step pattern" to "could result in a stair-step pattern". Chairman Smith then asked about Article V., 5-17, F, and said it appeared to grandfather any fence that is currently in the right-of-way. Mr. Frisina replied that the only exemption would be for any fence that did not meet the height requirement, and suggested rewording the section to read "and which do not comply with these height restrictions". Chairman Smith did not believe the suggested rewording "would work". County Attorney Scott Bennett added that a right-of-way encroachment is not a matter of nonconformity but is rather an illegal action because it is technically trespassing on County property. He explained that the intent of the proposed amendments is that everything lawfully erected prior to the acceptance of the proposed amendments would be permitted as well as anything that is illegal with respect to its height. Both Chairman Smith and Mr. Bennett concluded, however, that the wording needed to be changed.

Commissioner Pfeifer commented that the Planning Commission, the Planning and Zoning staff, and the Board of Commissioners put a tremendous amount of work and thought into this issue. He said the initial approach that was taken by staff was a good one, and their good work had produced an ordinance that would not create problems for Fayette County. He noted that people had tried to build their fences out of garbage bags or had threatened to erect a concrete wall standing fifty-feet tall, and this new ordinance would work to eliminate those types of problems. He said staff had successfully navigated through the problems and produced an ordinance that clearly states what Fayette County wants. He concluded saying he appreciated the hard work contributed by the Planning and Zoning staff, the Planning Commission, and the Board of Commissioners on this issue.

Commissioner Maxwell asked Mr. Frisina to define "livestock",and Mr. Frisina said livestock were, basically, cows, chickens, pigs, goats and sheep. Commissioner Maxwell then asked Mr. Frisina, if he owned a $0.75 chicken, if he could be exempt from the ordinance by utilizing the exemption found in Article V., 5-17, E-2. Mr. Frisina said that was correct before adding that exemption was also found in the current ordinance. Commissioner Maxwell explained that, as a Republican, he was in favor of less government instead of more government and that the Commissioners who would vote in favor of the proposed amendments would not be following the Republican principle. He thought the new ordinance would be "over broad", and while he agreed there should be some regulations in order to allow police officers to see the property, as well as fire engines to enter the property, he thought the new ordinance went too far. He continued saying he had a real problem with how the review started since it began with a fence that was constructed in the County's right-of-way, and,

despite the fence being in the right-of-way, the County had not cited the person or taken any proactive approach to correct the problem. He said the new ordinance would allow for a permit process, and that while there is no fee attached to the new ordinance, he could anticipate that, in the future, someone could suggest instituting a fee for putting up a fence. He noted that the fee would in fact be a tax, and he was not in favor of voting for a new tax. He concluded saying he could not support the proposed amendments as requested since he did not see any reason to pass a new ordinance that would replace an old ordinance that was not enforced because he had no assurance that the new ordinance would be enforced any more than the old ordinance.

No one from the public spoke in favor of or in opposition to this issue.

Chairman Smith stated there were a few items that needed rewording and suggested the item be tabled until the August 14, 2008 meeting in order to allow Mr. Bennett to review the proposed amendments and make the wording changes as discussed. Commissioner Frady moved to table the item until the August 14, 2008 meeting in order to enable Mr. Bennett to reword and review the proposed amendments as discussed. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

F. Consideration of a Beer and Wine Packaged Sales License for Pumpers Food & Gas, d/b/a Fayette Village BP, 1408 S.R. 54 West, Fayetteville, GA. Sudesh Kumar Dhingra, Owner, and Shiraz Muhammad Aly, Agent. This property is located in Land Lot 25 of the 7th District, fronts on S.R. 54 and Huiet Road, and is zoned C-H. This is for Change of Ownership.

No one spoke in favor of or in opposition to this request. Commissioner Horgan moved to approve the change of ownership of a Beer and Wine Packaged Sales License to Sudesh Kumar Dhingra, Owner, and Shiraz Muhammad Aly, Agent of Pumpers Food & Gas, doing business as Fayette Village, 1408 S.R. 54 West, Fayetteville, Georgia. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

PUBLIC COMMENT

No one addressed the Board during Public Comment.

CONSENT AGENDA

Commissioner Pfeifer moved to approve the Consent Agenda as printed with the change noted earlier by the Chairman to reword Consent Agenda Item 3 from "two requests" to "three requests" and without Consent Agenda Item 8 which concerned the approval of minutes. Commissioner Maxwell asked for Consent Agenda Item 1 to be removed from Consent Agenda. Commissioner Pfeifer amended his motion to approve Consent Agenda Items 2 through 7. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval to authorize the Chairman to execute documents for the Georgia Department of Community Affairs accepting a Special Project Appropriation Grant in the amount of $200,000 for use toward the construction of an emergency operations facility in Fayette County. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.**

   Commissioner Maxwell explained he had Consent Agenda Item1 removed because he wanted to hear either Interim Fire Chief Allen McCullough or Captain Pete Nelms speak about the grant application since the County had been awarded money and it was difficult for him to acknowledge it only on a Consent Agenda. Interim Fire Chief McCullough said Fayette County had asked Senator Ronnie Chance to seek additional funding opportunities, and the Senator was able to secure $200,000 through the Georgia Department of Community Affairs' Special Project Appropriation Grant. He anticipated Senator Ronnie Chance would come to the Board in the near future and present the check for the grant money. He reported that the necessary paperwork is being completed, and he mentioned that Executive Assistant Carol Chandler asked for the item to be placed on the agenda so that approval could be gained through the appropriate channels in order to secure the funds and place them into the County's digest. Commissioner Maxwell added that the money was coming from the State of Georgia and not solely from the Fayette County taxpayers before moving to approve Consent Agenda Item 1. Commissioner Frady seconded the motion. Commissioner Pfeifer added that, while the $200,000 does come from the State of Georgia, the money is partially supplied from Fayette County taxpayers. Chairman Smith mentioned there is a time limit on the grant since the funds must be expended in 12 months, and also mentioned the accountability clause stated the grant is subject to an audit. The motion to approve Consent Agenda Item 1 passed unanimously.

2. **Authorization to increase the County's mileage reimbursement in accordance with the County's established travel policy for expenses related to travel for official business. This adjustment is a result of a change in the IRS reimbursement rate. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.**

3. **Approval of recommendations related to three requests for tax refunds as presented. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.**

4. **Approve reappointment of Peki Prince to the Region 4 EMS Council. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.**

5. **Approval of staff's recommendation from the Department of Fire and Emergency Services to award Bid #668 for Fire and EMS protective clothing to Fireline, Inc. and North American Fire Equipment Company (NEFECO). A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.**

6. **Authorization to increase the Overtime Expenditure Budget Account for the Fayette County Sheriff's Office Criminal Investigation Division to include reimbursement from Federal agencies for personnel assigned to assist in various investigations. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.**

7. **Consideration of the revised Alcoholic Beverage Application Form (New Location, Change of Ownership, and Renewal) and the revised Personnel Statement Form as presented by the Planning and Zoning Department. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.**

8. Approval of minutes of the June 26, 2008 Board of Commissioners' meeting and the July 2, 2008 Board of Commissioners' Workshop meeting.

Commissioner Pfeifer moved to approve the June 26, 2008 minutes but not the July 2, 2008 minutes due to its format. The motion died for lack of a second. Commissioner Frady moved to approve Consent Agenda Item 8. Commissioner Horgan seconded the motion. Chairman Smith asked Commissioner Pfeifer if there were anything in the minutes that were technically incorrect or omitted, and Commissioner Pfeifer answered there was nothing technically incorrect or omitted in the minutes. Chairman Smith asked if Commissioner Pfeifer was objecting to the form of the minutes. Commissioner Pfeifer replied that was correct. The motion to approve Consent Agenda Item 8 passed in a 4-1 vote with Commissioner Pfeifer voting in opposition.

OLD BUSINESS

G. Consideration of proposed amendments to the Fayette County Code, Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts, Sec. 10-42. Street Authorization, to be added in its entirety as presented by Planning and Zoning, Public Works, and the Sheriff's Office. (Renumbering existing Sec. 10-42. To 10-43. And renumber remaining sections.)

Mr. Pete Frisina reminded the Board that this issue was addressed at the July 2, 2008 Workshop meeting before saying the demand to use golfcarts on County roads is increasing. He informed the Board that golfcarts have been permitted use on roads within subdivisions as well as on Quarters Roads within the boundaries of Highgrove Subdivision and on Huiet Drive within the boundaries of Waterlace Subdivision. He reported that a number of requests are coming from Fayette County citizens who desire unincorporated Fayette County roads that connect to points of interest generally in Peachtree City, like Sumner Road, to be permitted for golfcart. He said Sumner Road is L-shaped, that a portion of the road extends into Peachtree and is permitted for golfcart usage, but the section located in unincorporated Fayette County does not permit golfcart use. He continued saying the ordinance basically states that any road can be authorized by the Board for golfcart use, and that the proposed amendments were attempting to clarify that authorization by specifying how streets will be authorized and by listing conditions that must be considered when a road is requested for golfcart use such as the street's classification, the posted speed limit, speed characteristics, the grade of the road, visibility distance, and other conditions related to the particular streets. He mentioned that other measures, such as reducing the speed limit, adding signage, or utilizing traffic counting devises, could be added to the conditions should the Board determine they are necessary. He closed reiterating the proposed amendments were designated to clarify the process.

Commissioner Horgan asked how would residents know if their streets have been approved for golfcart use, and Mr. Frisina replied that signs would be placed alongside the authorized roads notifying the public where golfcarts are and are not permitted. He continued saying this was a standard practice and that the Sheriff's Department had initiated the process in tandem with the Road Department based on a judge's guidance to notify the public before citations could be written.

Commissioner Pfeifer mentioned that Dividend Drive in Peachtree City has a 40 miles per hour speed limit and, despite that, golfcarts are driven on that road daily. He suggested looking into the reason that is permitted while suggesting an exception may be in place for that road. He further noted that citizens who live in unincorporated Fayette County are charged a substantially larger tag fee than the citizens of Peachtree City, and thought that was due to maintenance cost.

Commissioner Frady moved to adopt the proposed amendments to the Fayette County Code, Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts, Sec. 10-42. Street Authorization to be added in its entirety, and to renumber existing sections 10-42. and 10-43., and to renumber the remaining sections. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

NEW BUSINESS

H. Consideration of a request from Sheila Studdard, Clerk of Superior Court, that Fayette County affiliate with the Georgia Superior Courts Cooperative Authority which would allow Fayette County records to be provided to the Authority in exchange for a fee.

Ms. Sheila Studdard said she inherited a situation where, prior to her tenure as Clerk of Superior Court, court records had not been microfilmed as required in Title 15 of Georgia State law. She said that, with the Board's provision of $40,000 to $50,000, she was able to preserve all of the land records dating to 1823 by microfilming them, but she could "only guess what the cost would be to preserve the court records". She stated that she has explored the options available to her and found that the Georgia Superior Courts Cooperative Authority allows clerks to enter into agreements with them in order to exchange land records for a fee. She acknowledged that Fayette County provides funding to her Office before she repeated that the cost of electronically preserving records is unknowable and asked the Board to consider her request.

Chairman Smith asked how long it would take to complete the preservation project. Ms. Studdard replied the work would encompass the entirety of Fayette County's history before answering that she did not know how long it would take to complete the project. Chairman Smith next asked if the funding would come from access fees from the Georgia Superior Courts Cooperative Authority. Ms. Studdard explained there would be no access fees, but she would be selling Fayette County's records to the Authority so they could place them on a statewide index which is kept by the Authority. She said the Georgia Superior Courts Cooperative Authority would pay her $0.25 a page, and continued saying she would not enter into any agreement where Fayette County could not pay for the project. She explained that she would break the project into smaller projects so that, should the funding come to an end, the County would not owe money to a vendor who is hired to microfilm court records. Chairman Smith asked if there was anything in this agreement that would replace other work currently being performed in the County, and asked if this was a totally new project. Ms. Studdard answered that no other work like this, to her knowledge, was being performed in the County, and said this is a new project for the court records.

Commissioner Frady rhetorically asked if Ms. Studdard's office would be paid for the records. Ms. Studdard said the Georgia Superior Courts Cooperative Authority would pay her office with State money, and the money she received would be set aside to pay for the restoration and preservation of more court records. Commissioner Frady mentioned this would be a savings to the taxpayers. Ms. Studdard agreed, since Georgia law requires the Clerk of the Court to microfilm or electronically image court records.

Mr. Krakeel added there were two related issues he wanted to bring to the Board's attention. He said the first issue was that approximately $28,000 had been budgeted in the current 2009 fiscal year budget, and that money would be made available back to Fayette County and placed into the General Fund's fund balance. He stated that since the $28,000 would not be expended, the County would realize an immediate savings. The second issue was that the money received by the Clerk of the Court for images that are sold to the Georgia Superior Courts Cooperative Authority would be solely dedicated to the use of imaging and microfilming the records until the project is complete.

Chairman Smith noted there were two changes that he was requesting for Items Three and Four. He requested Item Three to read "fiscal year accounting" instead of "calendar year accounting" in order to coincide with the County's accounting year. He further requested that Item Four be amended to state that at the conclusion of the project, meaning all the ensuing years have been microfilmed or electronically preserved, that the residual monetary balance will be remitted to Fayette County.

Commissioner Frady moved to approve Resolution 2008-11 entering into an agreement with the Office of the Clerk of Superior Court as presented for the preservation of records, with changes as noted by the Chairman, and to authorize the Chairman to sign the same. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Resolution 2008-11, identified as "Attachment 16", follow these minutes and are made an official part hereof.

I. Approval of staff's recommendation to award the bid for the Milam Road Culvert Repair Contract (Proposal #658) to Engineering Restorations, Inc. for the amount of $97,600. This project also includes other improvements to the bridge.

Road Department Director Zack Taylor spoke about this request and said this bid was obtained through the Request for Proposals (RFP) process. He added the RFP included specifications including right-of-way, traffic control, and detouring considerations.

Commissioner Maxwell recalled that part of the historical problem with this repair work was it would cause the total closure of Milam Road for a period of time. He asked if that problem was resolved. Mr. Taylor said the problem was resolved, and that while there was the desire to keep all the lanes open on Milam Road, there would be some lane closures while the guardrail was installed. Commissioner Maxwell asked, should the recommendation be approved, when would the project begin and end. Mr. Taylor replied that, once the contact went through County Attorney Scott Bennett's office, the work would be completed in 30 to 45 days.

Commissioner Horgan moved to approve staff's recommendation to award the bid for the Milam Road Culver Repair Contract to Engineering Restorations, Inc. for the amount of $97,000. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

J. Consideration of Water Committee's recommendation to award the annual contract for waterline extensions to the low bidder, Lantz Construction, at a cost of $1,149,635.

Mr. Russell Ray stated that the Water System was asking the Board to award the contract to Lantz Construction for the price as read from the agenda. Commissioner Frady asked if this was an annual contract and if it had anything to do with Lake McIntosh. Mr. Ray replied it had nothing to do with Lake McIntosh, but that it was an annual contract similar to what has been occurring for the last five years. Commissioner Horgan asked if only

three bids were sent. Mr. Ray answered that six contractors looked at the project but only three bid on it. Chairman Smith asked if he correctly understood that the annual contract was not for a specific job, but was for any project that may be undertaken by the Water System during the year. Mr. Ray said the Chairman's understanding was correct.

Commissioner Frady moved to approve the Water Committee's recommendation to award the annual contract for waterline extensions to the low bidder, Lantz Construction, at a cost of $1,149,365. Commissioner Horgan seconded the motion. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

Professional Exchange Program: Interim County Administrator Jack Krakeel announced Fayette County received notification earlier in the day from the Department of Homeland Security that Captain Pete Nelms was selected to participate in a professional exchange program that exists between the Georgia National Guard and the Republic of Georgia. He explained the program would begin on September 13 and end on September 19, and the purpose of the program was related to emergency management. He reiterated that the State of Georgia nominated Captain Nelms to represent the State from an emergency management perspective, and the State's nomination was accepted by the Georgia National Guard. He said he knew several individuals who had the opportunity to take similar trips before he explained those types of trips are not vacations since participants will be involved in intensive work activities while abroad. He thought the selection was quite a distinction and honor, and asked for the Board's concurrence to allow Captain Nelms to represent the State of Georgia in this initiative between two counties in order to exchange best and recommended practices as well as expand the knowledge basis between two counties.

The Board gave their verbal concurrence and commendation to Captain Nelms. Chairman Smith thanked Captain Nelms for all his work and contribution to Fayette County.

Fayette Senior Services Center: Mr. Krakeel reported that he has directed staff to research the feasibility of providing some electronic backup to the Fayette Senior Services Center. He explained that the Center was struck by lightning the previous night, and that strike disabled the Center's telephone system. He said the Center is heavily dependent on their telephone system and uses it to notify senior citizens of their meals-on-wheels program. He stated Fayette County has the ability, by providing a couple of land lines, to provide backup capability to the Senior Services Center from the Justice Center at a very minimal cost to the County. He concluded saying the backup capability would mitigate against the Center losing their phone system in the future due to lightening strikes, construction interruptions, or other unanticipated events.

ATTORNEY'S REPORT

University of Massachusetts-Amherst Project Funding Agreement: County Attorney Scott Bennett said he had a project funding agreement that would allow Fayette County to participate in a study with the University of Massachusetts-Amherst. He explained the study would require a $3,000 contribution to the University who would then take water samples from the County's watershed and test them for certain pollutants and contaminates. He continued saying the County would have it water tested, would be a part of the study, and would be entitled to any reports, literature, or research results generated from the study in exchange for the contribution. He concluded saying Water System Director Tony Parrott asked him to present the funding agreement to the Board, and he also thought the Board had been informed of this study during a previous meeting. Commissioner Horgan moved to allow the Water System to enter into the agreement and to authorize the Chairman to sign the agreement documents for the University of

Massachusetts-Amherst Water Testing Study at a cost of $3,000. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the University of Massachusetts-Amherst Project Funding Agreement, identified as "Attachment 19", follows these minutes and is made an official part hereof.

Tyler Technologies Revised Payment Schedule: Mr. Bennett stated that Fayette County is currently under contract with Tyler Technologies, and the contract is for software related to the Tax Assessor's Office that will enable the GIS system to be transferred. He explained that Tyler Technologies encountered into some problems and, even though their project is not complete, the contract requires Fayette County to pay the final payment under its payment schedule. He reported that Tyler Technologies has agreed to a revised payment schedule so that the final payment will not have to be rendered until October 1, 2008, thus enabling Tyler Technologies to complete the project before the final payment is made. He concluded by saying this agreement is an amendment to the contract in order to lengthen the payment schedule and allow Tyler Technologies to complete the project before the final payment is made. Commissioner Pfeifer moved to authorize the Chairman to sign the revised payment schedule under the Tyler Technologies GIS contract. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Revised Payment Schedule, identified as "Attachment 20", follows these minutes and is made an official part hereof.

EnerGov Solutions Software Purchase Contract and Support and Maintenance Agreement: Mr. Bennett stated that the Board previously authorized Community Development to purchase new building permit software and they have selected EnerGov Solutions to provide the software. He said he had the contracts available for the purchase of and servicing of the software at a total cost of $54,779.85. Chairman Smith asked if the request was previously approved and the money was in the budget, and Mr. Bennett said he understood it was. Commissioner Frady moved to authorize the Chairman to sign the EnerGov Solutions Software Purchase Contract and the Support and Maintenance Agreement at a cost of $54,779.85 for Community Development software implementation. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the EnerGov Software Purchase Contract and the Support and Maintenance Agreement, identified as "Attachment 21", follow these minutes and are made an official part hereof.

AllSouth Contracting, Inc. Contract: Mr. Bennett announced that, previously the Board approved a bid for additional pumping capacity at the Flint River Pump Station to AllSouth Contractors, and the contract, in the amount of $372,203, was ready for a signature. He concluded saying he had reviewed the payment bond, surety bond, performance bond, and the insurance before saying the contract was in order and ready for the Chairman's signature. Commissioner Frady asked if the money would come from enterprise funds. Mr. Bennett said it would. Commissioner Frady moved to authorize the Chairman to sign the contract with AllSouth Contractors, Inc. in order to upgrade the Flint River Pump Station, in the amount of $72,203. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the AllSouth Contracting Inc. contract, identified as "Attachment 22", follows these minutes and is made an official part hereof.

STAFF REPORTS

2008 Millage Rates: Finance Director Mary Holland began saying the Commissioners had received information prior to the meeting pertaining to the recommendation staff will make regarding the 2008 millage rates. She explained that staff will be coming to them at the August 14, 2008 public hearing in order to ask the Board to adopt the recommended rates as presented in the information she supplied. She added that the provided information also included the format that would appear in the County's legal organ, *Fayette Daily News*, in order to advertise the recommended millage rates. She concluded saying the millage rates include a rollback of the reassessments, and offered to answer any questions the Commissioners may have. A copy of the information package, identified as "Attachment 23", follows these minutes and is made an official part hereof.

Cancellation of the August 6, 2008 Workshop Meeting: Executive Assistant Carol Chandler announced the deadline for submitting agenda requests for the Wednesday, August 6, 2008 Workshop Meeting has closed and there was very little to prepare for that meeting. She asked the Board to consider cancelling the Workshop meeting. Commissioner Maxwell noted he had placed an item for discussion on that meeting but had no objection to placing it on the next available Workshop meeting. Commissioner Frady moved to cancel the Wednesday Workshop Meeting to be held on August 6, 2008. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

BOARD REPORTS

Intersection Study with Tri-County Alliance: Chairman Smith reminded the Commissioners that the Board had received a request several months ago from Tri-County Alliance to participate in a study for the interchange at Interstate Highway 85 and State Route 74 with the purpose to alleviate traffic that is mostly generated from Fayette County commuters who are driving north to work. He reported that approximately $75,000 is in the County's SPLOST budget that has been designated for a traffic study of State Route 74. He said Tri-County's study would cost approximately $100,000 and that the South Fulton Community CID had already pledged $50,000 of that cost. He said he was comfortable recommending, based on his understanding of the money set aside in SPLOST, that the County designate $40,000 in order to participate in the intersection improvement study. He then asked the Board to commit $40,000 from SPLOST funds made payable to Tri-County Alliance upon the condition that Tri-County secures the remaining $10,000 in order to fund the intersection improvement study. Commissioner Frady moved to approve $40,000 of SPLOST funds be made payable to Tri-County Alliance upon Tri-County Alliance's commitment to secure the remaining $10,000 needed to study the intersection of Interstate Highway 85 and State Route 74. Commissioner Horgan seconded the motion. Chairman Smith commented that, while the intersection is not physically located in Fayette County, this study could have a tremendous impact on the transportation corridor within the County as well as for Fayette County commuters. The motion passed unanimously.

EXECUTIVE SESSION

An Executive Session was held in the Commissioners' Conference Room at 6:00 p.m. and adjourned at 7:00 p.m. Notice of the early Executive Session was posted prior to the meeting. During the Executive Session, the Board discussed litigation and real estate acquisition items.

Executive Session Affidavit: County Attorney Scott Bennett said the customary motion had not been made concerning the Executive Session Affidavit. Commissioner Frady moved to authorize the Chairman to sign the Executive Session Affidavit stating the Board talked about real estate acquisition and litigation items. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 24", follows these minutes and is made an official part hereof.

ADJOURNMENT

Commissioner Frady moved to adjourn the July 24, 2008, meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Official Session was adjourned at 8:59 p.m.

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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 the August 14, 2008.

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Floyd L. Jones, Deputy Clerk