Minutes

Board of Commissioners
May 28, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, May 28, 2009, 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 Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Karen Morley, Chief Deputy Clerk Floyd L. Jones, Deputy Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Smith called the May 28, 2009 Board of Commissioners meeting to order at 7:03 p.m.
Commissioner Hearn gave the invocation.
Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Frady moved to approve the agenda as published and Commissioner Maxwell seconded the motion.

Chairman Smith asked for the following changes to be made to the agenda and briefly gave reasons for each request:

- Consent Agenda Items 5 and 6 to be tabled from agenda and placed on the June 25, 2009 agenda as requested by staff.
- Public Hearing Item F be tabled from the agenda and placed on the June 25, 2009 agenda.
- Old Business Item G be tabled and placed on the June 11, 2009 agenda.
- Addition of a request from Clerk of Court Sheila Studdard to the agenda.

Commissioner Frady amended his motion to approve the agenda as published and to approve the changes delineated by the Chairman. Commissioner Maxwell seconded the amended motion. The motion passed unanimously.

Intent to Apply: Clerk of Court Sheila Studdard stated she had an Intent to Apply for a grant that had to be signed prior to June 1, 2009. She explained the grant is one of the Justice Assistance Grants, or a JAG, that it is a bond grant made available to criminal justice agencies Circuit-wide, and that collaboration and agreement must be shown amongst the agencies within the Circuit in order to obtain the grant. She mentioned more than 20 agencies Circuit-wide, made up of police departments, circuit judges, various county commissions, and the Georgia Judicial Data Exchange, or JDX, are in agreement and are working for the grant which would fund a data-sharing initiative. She continued that the Griffin Circuit, which is comprised of Fayette, Spalding, Upson and Pike Counties, would have approximately $375,000 in grant monies and the Circuit has agreed on a data-sharing initiative which will electronically share vital data within the criminal justice system and would reduce time, man-hours, and errors by preventing multiple agencies from reentering or retyping data. Ms. Studdard gave further explanation of how the grant money would benefit the Circuit and how it would save money. She asked the Board to approve the Intent to Apply for the grant, for Fayette County to agree to be the agent that would apply for the grant on behalf of all the other agencies, and for Fayette County to be the financial agent. Discussion followed.

Commissioner Frady moved to approve the Clerk of Court's request to approve the Intent to Apply for JAG grant , for Fayette County to be the agent that would apply for the grant on behalf of all the other agencies, and for Fayette County to be the financial agent. Commissioner Maxwell seconded the motion. The motion passed unanimously. A copy of the Criminal Justice Coordinating Council, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

A. Presentation of an update on the Federal Neighborhood Stabilization Program and the grant awarded to Fayette County in the amount of $1,178,544. The public will be allowed to comment or ask questions.

Community Development Director Pete Frisina stated this public hearing was required under the Neighborhood Stabilization Program, or NSP, due to the grant award which was received at the end of March 2009, and that this hearing required no action from the Board. He clarified that this public hearing was to discuss the estimated amount of the grant, how the County intended to used the money, and what activities would be funded for the benefit of low, moderate, and middle-income persons. He explained that the NSP is a two-goal program with the first goal facilitating the purchase of foreclosed or abandoned homes so they do not fall into disrepair and the second goal benefitting low, moderate, and middle-income groups by placing them in housing. Mr. Frisina next gave a brief history regarding how Fayette County received the NSP grant award agreement, and noted there were 21 general conditions detailing requirements and administrative procedures that must be adhered to and six special conditions specified to Fayette County's application. Mr. Frisina briefly discussed the six special conditions applied to Fayette County, and gave further information about the particulars of the NSP, before the public was allowed to speak on this topic.

Alice Jones: Mrs. Alice Jones, a resident of Fayette County, asked what is the target area that the Department of Community Affairs, or DCA, identified to receive the funds.

Michael Meyer: Mr. Michael Meyer, a resident of Fayetteville and a former real estate investor, asked if there was any way to make the NSP available to investors or for nonowner occupied homes since many of the homes require money after they are purchased and many of the people who qualify for these types of homes are not looking for a "fixer-upper".

Virginia Dunn: Ms. Virginia Dunn, a resident of Fayette County and speaking on behalf of her community, stated she did not want investors to come into her community to buy the foreclosed homes. She explained the reason the community opposed the investors was because all the investors care about is money, that they do not care who moves into the community, and that the practice will only cause property to depreciate.

Gordon Furr: Mr. Gordon Furr, a resident of Tyrone, was concerned about purchasing extremely old foreclosed homes since the cost of cleaning the homes would need to be considered. He added old homes contain asbestos and lead and he did not believe the County's tax dollars would cover those expenses. He said his concern was driven by how he was personally affected by asbestos and lead due to his work around construction all his life and that was why he continually fights for clean air and water.

Larry Furr: Mr. Larry Furr, a resident of Fayette County, stated he was opposed to the West Fayetteville Bypass. Chairman Smith responded that this discussion was not pertaining to the West Fayetteville Bypass.

Mr. Frisina replied that the target areas designated by the DCA for grant funding were concentrated in the northern parts of Fayette County since the census plots in that area have risk scores of eight or greater. He added that the County is trying to expand the area to other portions of the County including Peachtree City, Tyrone, and the City of Fayetteville. Mr. Frisina also stated that if the County or investors obtained the homes, they would still be held responsible to ensure that only qualified people with low, moderate, or middle incomes would be placed in the homes and that the homes would have to remain affordable and stay in the possession of the people who ultimately take the home. He continued giving an explanation of the guidelines and stipulations imposed with the dispersion and use of the grant money and answered questions from the Board.

Chairman Smith clarified the downpayment assistance that the County agreed to facilitate with respect to the grant is for owner-occupied homes, and if the home is resold by the individual, which is outside the control of the county, then that person must repay the grant if they have not lived in the home for indicated period of time. He added the NSP is not designed for investor purchases of homes.

Commissioner Maxwell recalled that when he first heard about the NSP he was not in favor of it, but because no strings were attached to the grant money, he accepted it. He mentioned that the federal government would pay Fayette County an administrative fee of $70,000, but during the initial presentation of the NSP the Board was shown a map of eligible areas for NSP funds including unincorporated Fayette County, areas in the City of Fayetteville, areas in Peachtree City, and areas in the Town of Tyrone. He recalled commenting that because the NSP was for the entire County he was interested in the NSP since there were no strings attached. It seemed to him after the application was made all of a sudden there were a lot of strings attached to it and he did not know where the program was going. He understood during the initial presentation that the County was simply applying for the NSP grant, but he did not believe he could support the NSP if it only supported a little area in north Fayette County since most of the money would be wasted. He did not believe he could support a program like that, where he has misgivings, after he was told it would apply to the entire County and now it appears to apply only to a very small portion of the County. He said there were other areas in the County dealing with foreclosures and did not understand why the NSP did not apply to the entire County.

Mr. Frisina replied "We are trying to get that expanded". He explained the strings were due to the administration regarding how to fill out "all these things and follow all these guidelines", and said it was "just a mess, it is an amazing amount of work to keep track of this money, make sure you are spending it correctly, you have to be accountable for it at any time for DCA to come down and audit our procedure or our books".

Mr. Frisina concluded that DCA has not responded to the County's request to make the rest of the County eligible for grant funds and that the County is still in the application process even though Fayette County has the award.

Gloria Furr: Mrs. Gloria Furr, a resident and Council Person of Tyrone, asked what area in Tyrone had been specifically designated for NSP funds. She concluded that she was very concerned about the NSP, agreed with Commissioner Maxwell's concerns, and repeated her original question.

Chairman Smith replied that the original application included areas from different parts of the County where foreclosures were significant, but the approved grant did not include most of the areas that were indicated as qualifying when the County made its original application. He summarized that the grant money received by Fayette County did not include money designated for Tyrone.

Tom Waller: Mr. Tom Waller, a resident of Fayetteville, asked how long would the County have to continue submitting reports after it accepts the grant money, and he also wanted to know what department would be "saddled" with the requirement.

Mr. Frisina replied that the first half of Mr. Waller's question was dependent on the amount of money the County expends on an individual house or foreclosed property and that the different periods of affordability could be anywhere from five, ten or fifteen years. He stated the County is trying to stay within the five-year period of affordability and it would be controlled with legal documents and liens on the property. He answered Mr. Waller's second question saying the Planning and Zoning Department is working on the administrative portion of the NSP and the Finance Department is helping with the financial aspects. He added that the County is also working with lending institutions and the real estate community since they are partners in this endeavor, and those institutions are doing the front-end work by finding foreclosed homes, approving loans for people who can afford to purchase the homes, and by helping with down-payment assistance. Mr. Frisina concluded his presentation by answering more questions from the Board. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

B. Consideration of a Packaged Beer and Wine License for County Line Country Store, Inc., 2708 SR 92 South, Fayetteville, Georgia, Deborah J. Smith and Marsha Jeanette Dees, Owners, and Deborah J. Smith, Applicant. This property is located in Land Lot 117 of the 4th District, fronts on SR 92 South, and is zoned C-C. This is for Change of Ownership only.

No one spoke in favor of or in opposition to this request.

Commissioner Frady moved to approve the Change of Ownership of a Packaged Beer and Wine License for County Line Country Store, Inc., 2708 SR 92 South, Fayetteville, Georgia, Deborah J. Smith and Marsha Jeanette Dees, Owners, and Deborah J. Smith, Applicant. Commissioner Maxwell seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

C. Consideration of Petition No. 1213-09, Johnie Williams and JEW Properties, LLC., and Billy Brundage Engineering, Inc., Agent, request to rezone 37.08 acres from A-R to M-1 to construct a maintenance building for Dixieland Fun Park. This property is located in Land Lot 216 of the 5th District and fronts

on Corinth Road and Curved Road. THIS PETITION WAS TABLED AT THE APRIL 23, 2009 BOARD OF COMMISSIONERS MEETING AT THE PETITIONERS REQUEST. STAFF HAS RECOMMENDED DENIAL. THE PLANNING COMMISSION RECOMMENCED DENIAL 5-0.

RULES FOR PUBLIC HEARINGS

Community Development Director Pete Frisina read the *Introduction to Public Hearings*. A copy of the *Introduction for Public Hearings*, identified as "Attachment 4", follows these minutes and is made an official part hereof.

Mr. Billy Brundage with Brundage Engineering represented Mr. Johnie Williams and announced that Mr. Williams was asking for this item to be tabled until the June 11, 2009 Board of Commissioners meeting since some Planning Commissioners, during the last Planning Commission meeting, indicated they would possibly support the petition if it did not encompass all of the entire property as requested but only a portion of the property. He stated that both he and Mr. Williams were evaluating the feasibility of utilizing only a portion of the requested acreage and if they decided to return with a request for reduced acreage they would withdraw the current petition and reapply with a new petition.

Discussion followed regarding whether or not the petition could be tabled.

The Board consented to table Petition No. 1213-09 until the June 11, 2009 Board of Commissioners meeting. A copy of the request identified as "Attachment 5", follows these minutes and is made an official part hereof.

D. Consideration of Petition No. 1214-09, Dan V. Stinchcomb, Owner, and Randy Boyd, Agent, request to rezone 17.938 acres from R-40 to O-I for Office Institutional Uses. This property is located in Land Lot 39 of the 7th District and fronts on SR 54 West and Huiet Drive. STAFF RECOMMENDED APPROVAL WITH REDUCED ACREAGE PER SECTION 11-8 OF THE ZONING ORDINANCE. THE PLANNING COMMISSION RECOMMENDED DENIAL 4-1.

Mr. Randy Boyd represented Mr. Dan Stinchcomb and presented and explained Petition 1214-09 while referring to a map presented to each Commissioner. He said staff had recommended three conditions and had recommended that, due to the existing C-H zoning on the easterly side of Huiet Drive, that the lot size be reduced to coincide with the zoning on the east side where zoning changes from C-H to A-R. He said at the last Planning Commission meeting, although they did not receive approval from the Planning Commission, the Chairman of the Planning Commission, Mr. Powell, suggested it would be nice if the size of the property in question was reduced so it would impact as few lots as possible. He next gave an explanation of his request. He said the benefit of reducing the acreage to 9.967 acres from 17.938 acres is that since it is already zoned R-40, which is one-acre zoning, this would be a better transitional step-down zoning. He said if the land were zoned O-I it would have absolutely no impact on the school system and would help maintain the residential character of the area.

No one else spoke in favor of the petition.

Harry Whitehead: Mr. Harry Whitehead, a resident of Huiet Drive, spoke in opposition to Petition No. 1214-09. He was concerned about the possibility that rezoning would increase traffic along Huiet Drive. He said Huiet Drive had only been paved for approximately one year and still does not have line markings on it, and he wondered if the road was designed for commercial traffic.

A.E. Martin: Mr. A.E. Martin, a resident of Huiet Drive, spoke in opposition to Petition 1214-09. He said he attended the hearing by the Planning Commission on this request, heard talk of having entrances on "this division to Huiet Drive", and wondered what had changed since nothing was mentioned about it at this meeting. He said it was stated at the Planning Commission that there would be two entrances from Huiet Drive into the subdivision instead of from SR 54. He continued that Huiet Drive is a residential street and he did not want this petition to pass since children are on the road. He did not believe the road would hold up to heavy trucks since the asphalt on the road is really soft.

The Board clarified that there would only be one entrance in the revision off Huiet Drive and it would be 605 feet off SR 54's right-of-way. Mr. Martin still opposed the petition after clarification was given.

Mr. Boyd said the original application did not show an entrance off Huiet Drive but by talking to Public Works, Engineering, and the Planning and Zoning Departments, Mr. Mallon was concerned about someone coming out of the entrance and attempting to travel west on SR 54. He said even the revised site plan indicates someone would have to go directly across traffic and make a hard right turn, get into the deceleration lane, and then make an U-turn in order to travel west on SR 54 toward Peachtree City. He said they agreed a side street would be the best way to solve this by having the street connect to Huiet Drive. He explained by having an entrance on Huiet Drive they were complying with staff's recommendation, and that the rezoning will not be commercial but O-I as requested. He said C-H is across the street from Huiet Drive and it was anticipated that traffic coming from it would travel east on SR 54.

Chairman Smith asked Public Works Director Phil Mallon what was the load-bearing capacity of Huiet Drive, and Mr. Mallon answered Huiet Drive was paved by the developer of Waterlace Subdivision and that it was paved to County standards so it would maintain as well as any other County-local road. He added the road was not striped at the request of the developer who attempted to maintain a rural character to the road, but concluded the road could be striped.

Chairman Smith summarized saying a request had been presented that follows staff's recommendations in accordance with Section 11-8 of the Zoning Ordinance and the petitioner has agreed to limit his rear lot-line to be adjacent to the C-H rear line of the property adjoining it across the street.

Commissioner Frady moved to approve Petition 1214-09 with a reduction in acreage from 17.938 acres to 9.967 acres as allowed by Section 11-8 of the Fayette County Zoning Ordinance and in accordance with recommendations of staff. Commissioner Hearn seconded the motion.

Commissioner Maxwell assumed since Mr. Frisina did not speak out after hearing Mr. Boyd's presenation regarding the "side street" that he was agreed with the way it was described, and asked if it was a safety issue to add the side street onto Huiet Drive. Mr. Frisina replied at a Technical Review Committee, or TRC, meeting the Public Works Department, the Sheriff's Department, and Fire and EMS reviewed the original request and were concerned with safety. He explained bringing a second entrance to Huiet Drive provides for a clear median crossing n SR 54 and would limit the number of U-turns for people desiring to travel west toward Peachtree City. Mr. Frisina answered other questions by the Board.

The motion to approve Petition 1214-09 with a reduction in acreage from 17.938 acres to 9.967 acres as allowed by Section 11-8 of the Fayette County Zoning Ordinance and in accordance with recommendations of staff passed unanimously. A copy of the request, recommended conditions, Staff's Analysis and Investigation, and map, identified as "Attachment 6", follow these minutes and are made an official part hereof.

A copy of the Ordinance and Resolution approving Petition Number 1214-09 with a reduction in acreage from 17.938 acres to 9.967 acres as allowed by Section 11-8 of the Fayette County Zoning Ordinance and in accordance with recommendations of staff, identified as "Attachment 7", follow these minutes and are made an official part hereof.

E. Consideration of Petition No. RP-044-09, Jerald Reid, Owner/Agent, request to revise the Final Plat of Fieldway Subdivision by adding 3.99 acres to allow Lot 1, currently consisting of 3.00 acres, to be subdivided into a 4.783 acre lot and a 2.212 acre lot. This property is located in Land Lot 21 of the 7th District, fronts on Sandy Creek Road, and is zoned R-70. STAFF REPORTS THIS REQUEST COMPLIES WITH THE COMPREHENSIVE PLAN (2 to 3 ACRES). THE PLANNING COMMISSION RECOMMENDED APPROVAL SUBJECT TO TWO (2) CONDITIONS 5-0.

Mr. Jerald Reid, a resident of Sandy Creek Road, spoke in favor of this petition.

No one spoke in opposition to the petition.

Commissioner Horgan moved to approve Petition Number RP-044-09 with two conditions as recommended by the Planning Commission. Commissioner Frady seconded the motion. Chairman Smith asked Mr. Reid if he was aware of the conditions and agreed to the conditions. Mr. Reid replied he was aware of the conditions and would agree to them. The motion passed unanimously. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

F. Consideration of proposed amendments to the Fayette County Subdivision Regulations.

This item was tabled earlier in the meeting and will be placed on the June 25, 2009 agenda. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Commissioner Robert Horgan: Commissioner Horgan asked for a point of personal privilege and then read a statement as follows:

Mr. Chairman, my fellow Commissioners, Citizens of Fayette County, and my loyal supporters, I would like to take this moment to express to all of you my sincerest apology for the negative cloud that now hangs over our community and the Board because of the incident I was involved in this past weekend. I can assure you that I will do everything I can to regain your respect and your trust in my ability to function as your County Commissioner. I hope that you will accept my apology and allow me to continue to work earnestly for our community as I have for the past five years. Thank you for this opportunity.

Chairman Jack Smith: Chairman Smith stated:

The incident that occurred during the Memorial Day Weekend involving County Commissioner Robert Horgan was unfortunate. Robert has been hardworking and diligent in his efforts to fairly and dutifully represent the citizens of Fayette County in his role as County Commissioner. This Board will continue to work as your elected representatives and we hope that this incident and the negative impact it has had on this body will be resolved fairly and expediently for all involved.

Larry Torley: Mr. Larry Torley, a resident of Fayetteville, complimented the Board on its reluctance to "grab federal money"and spoke of the ramifications of the County accepting federal money. Secondly, Mr. Torley called on Commissioner Horgan to resign from the Board of Commissioners after reminding the Board that being elected to the Board entrusts great power and responsibility to the Commissioners.

Tom Halpim: Mr. Tom Halpim, a resident of Ralston Court, spoke in opposition to the West Fayetteville Bypass. He questioned why the Bypass was slated to pass through three school zones, questioned the amount of traffic that would be created by going through the school zones, the safety of a major road going through school zones, and why schools were permitted to be constructed in close proximity to a road that was being planned for such a long period of time.

Bob Furhman: Mr. Bob Furhman, a resident of Peachtree City, spoke about his past employment as a commercial aviator and the consequences he and his fellow employees would face if they failed random, or no-notice drug tests. He stated that people must live with their choices and subsequent consequences, that integrity must be upheld, and no less is expected from the Board of Commissioners. He suggested that the four Commissioners who had not come under recent scrutiny should place heavy pressure on the Commissioner who had gone "askew" to resign from his Commission.

Dennis Chase: Mr. Dennis Chase, a resident of Crabapple Road, spoke in opposition to the West Fayetteville Bypass. He referenced Section 505(b) of the Clean Water Act and stated that section enabled citizens to file suit against a violator of the Clean Water Act. He announced that he had contacted a law firm, and although neither he nor the West Fayetteville Bypass Coalition has retained the law firm, the law firm had provided him with information regarding how to proceed and how citizens could take action. He stated the law firm had advised him to put the Board of Commissioners on notice that a lawsuit is under consideration since, based on case law associated with the Clean Water Act, citizens are required to make notification to the other party at the earliest possible date. He repeated that the Coalition had not yet made a decision regarding whether or not to file suit, but he wanted to notify the Board that a law suit was being considered.

Chairman Smith asked County Attorney Scott Bennett if this was proper notification, and Mr. Bennett replied that he had been properly notified.

Connie Thomas: Ms. Connie Thomas, a resident of Lee's Lake Road, spoke in opposition to the West Fayetteville Bypass. She was concerned that houses would be taken prior to the County's environmental permits being approved. She asked for a compromise to be reached and if the environmental permits were approved then talk could begin about taking homes. She concluded that it would be a travesty to have people's lives change in such a way and then the permits not pass with the results being empty homes and people losing much of their financial security.

Patrick Hinchey: Mr. Pat Hinchey, a resident of Fayetteville, said he "almost lost his dinner tonight" when his wife informed him Commissioner Horgan decided he would remain on the Board of Commissioners. He spoke about the difficulties of raising teenagers and the adverse environment created by rock stars, politicians, and others who take action without consequence, and he did not like that it that this was happening in his backyard. He suggested that the only action Commissioner Horgan could take would be to resign since the Board is now under a great deal of scrutiny and under a big cloud.

Steve Smithfield: Mr. Steve Smithfield, a resident of Lee's Mill Road and representative of the West Fayetteville Bypass Coalition, stated the Coalition was extremely disappointed with the way the Board had handled the West Fayetteville Bypass issue. He said the Coalition has spoken on the issue before and written letters but they had not received any

response. He added that the Coalition cannot get any information on the issues pertaining to traffic or the environmental impacts in order to bring them to the public's attention. He then mentioned that people in the audience were wearing "badges" showing their opposition to the West Fayetteville Bypass.

Gina Alford: Mrs. Gina Alford, a resident of Janice Drive, spoke in opposition to the West Fayetteville Bypass. She spoke about the peaceful character of her neighborhood and lifestyle it entailed, and how it would be undermined by a major road passing through it, the disruption it would create in her life and home, and the destruction of the environment. She asked why the Board was so determined to create the West Fayetteville Bypass, who was supporting it, for the Board to prove the need for the road, and for the Board to share additional information. She asked a number of other questions regarding how to obtain information, about studies, and if any Commissioner had visited her subdivision. She added that it appeared to those who oppose the West Fayetteville Bypass that the Board was unconcerned for the people, their homes, and the lives that will be affected. Before running out of her designated time, she concluded that just because people oppose the Board does not give the Board permission to call anyone "ignorant" and that in none of the meetings were the people in attendance creating a circus.

Larry Furr: Mr. Larry Furr returned to discuss his opposition to the West Fayetteville Bypass. He said he lives on Peters Road and many people who live on the south end of Fayette County travel Peters Road on their way to work and back from Atlanta. He asked if there were any studies which indicated that traffic would be alleviated by creating the West Fayetteville Bypass. He concluded by reiterating his opposition to the West Fayetteville Bypass by suggesting much more study needed to be conducted on the subject.

Paul Parchert: Mr. Paul Parchert, a resident of Janice Drive and a retired Army officer, stated that Army personnel was subjected to mandatory drug analysis and if he, as an officer tested positive, he would not just be asked to resign but would be discharged from the Army. He thought anyone in public office should be held to those same standards. Mr. Parchert also spoke in opposition to the West Fayetteville Bypass saying he had been to every meeting and was unconvinced it would alleviate traffic congestion. He explained it would only shift traffic congestion from downtown Fayetteville, and if the County was really serious about reducing traffic congestion nothing would make better sense than four-laning SR 92 and connecting it to Interstate Highway 85.

Catherine Sanderson: Ms. Catherine Sanderson, a resident of Peachtree City, suggested a "Roads-Only" SPLOST this year may be extremely unpopular due to all the controversy surrounding the West Fayetteville Bypass. She added if a SPLOST referendum included a Community Center then community support could be built for a very important mechanism through which the County could bring in funds for roads and other projects. She said there are many people in the community who will support a SPLOST that extends beyond roads.

Gordon Furr: Mr. Gordon Furr returned to speak in opposition to the West Fayetteville Bypass saying it would only place SPLOST funds into a sinkhole, stating there were many roads in Fayette County that could be repaired, questioning what it meant to shorten people's driveways but not take their land, protesting against destroying wetlands, and asking if people's wells would be destroyed, damaged, or dried up by blasting for the new road. In closing, he suggested that Chairman Smith should watch the movie *Bridge over the River Kwai*.

CONSENT AGENDA:

Chairman Smith reminded the Board that Consent Agenda Items 5 and 6 were removed from the agenda at staff's request leaving only Consent Agenda Items 1 through 4 and Consent Agenda Item 7 for consideration.

Commissioner Frady moved to approve Consent Agenda Items 1 through 4 and Consent Agenda Item 7. Commissioner Horgan seconded the motion. The motion passed unanimously.

1. **Approval of the Vehicle Replacement Committee's recommendation to replace four Ford Crown Victorias and related worn-out or obsolete equipment used by the Sheriff's Department, Field Operations Division. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.**

2. **Approval of staff's request to renew the Annual Support Agreement with Data Voice, Inc., for telecommunications equipment and software at a cost of $39,996. A copy of the request and Data Voice Support Agreement, identified as "Attachment 10", follow these minutes and are made an official part hereof.**

3. **Approval of the Sheriff's Departments request to amend the Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by $6,627.11 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request , identified as "Attachment 11", follows these minutes and is made an official part hereof.**

4. **Approval to allow disposal of four vehicles by the Sheriff's Department and authorization to execute necessary tag and title paperwork required for the acquisition of four comparable vehicles. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.**

5. **Consideration of staff's recommendation that the request that Mask Road be designated as an authorized street for motorized cart travel be denied. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.**

6. **Consideration of staff's recommendation that the request that McBride Road be designated as an authorized street for motorized cart travel be denied. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.**

7. **Approval of staff's recommendation to declare two vehicles which no longer serve County purposes as surplus property and to sell both vehicles utilizing the GovDeals internet website. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.**

OLD BUSINESS:

G. **Consideration of the proposed alignment of Phase II of the West Fayetteville Bypass by the Public Works Department. This item was last discussed at the May 14, 2009 Board of Commissioners meeting.**

This item was tabled during the Acceptance of Agenda and will be placed on the June 11, 2009 agenda. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

H. Consideration of proposed Fayette County Parks and Recreation Policies and Procedures Manual. This item was last discussed at the November 5, 2008 Board of Commissioners Workshop meeting.

Mr. Charles McCollum, Chairman of the Fayette County Parks and Recreation Commission, discussed the proposed Fayette County Parks and Recreation Policies and Procedure Manual including its need, function, and creation. He added that the proposed manual was placed on the County's website in April 2009 for public feedback but none was given, and so he asked the Board to formally adopt the proposed manual as presented. Discussion followed regarding its reception of the policies and procedure manual from Fayette County Youth Soccer League, what composes the league, the possibility of Peachtree City soccer merging with the Lightening program to become one organization, how the potential merger would not impact the policies and procedure manual, and that Fayette County Youth Soccer League would govern the merger and would itself be governed by Fayette County.

Commissioner Maxwell thanked Mr. McCollum, the Parks and Recreation Commission, and staff for all their hours and work involved creating the policies and procedures manual. Chairman Smith also thanked the Parks and Recreation Commission and Mr. Darryl Hicks who was in the audience and a member of the Parks and Recreation Commission. Commissioner Hearn thanked Mr. McCollum for all he did for Fayette baseball, and said going through the baseball program with his two boys was quite an undertaking. He explained that Mr. McCollum was a tireless worker who was out early on Saturday mornings dragging and lining fields, and he wanted to extend a personal "thank you" for all he has done through the years. He concluded that his efforts had meant a lot to the kids.

Commissioner Frady moved to adopt the proposed Fayette County Parks and Recreation Policies and Procedures Manual as presented by the Parks and Recreation Commission. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request and the Fayette County Parks and Recreation Polices and Procedures Manual, identified as "Attachment 17", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

GDOT Safe-Routes-to-School Grant: County Administrator Jack Krakeel announced Fayette County had received the Georgia Department of Transportation's, or GDOT's, Safe-Routes-to-School-Grant in the amount of $491,000 with no matching fund requirements, gave a further explanation of the grant, and thanked staff including Mr. Pete Frisina, Vanessa Birrell, and Bryan Keller who had applied for and did the legwork for the grant.

Update on Sales Tax Revenues: County Administrator Jack Krakeel reminded the Board that earlier this month he reported to the Board that Fayette County's Sales Tax Revenues had decreased 31% from this time last year, but he was happy to report that the figures, which were received from the Georgia Department of Revenue, were incorrect due to an error in computation resulting from a changeover to electronic reporting at the state level. He stated that the reported negative 31% decrease in Sales Tax Revenue was now a positive 25% in Sales Tax Revenue from this time last year.

ATTORNEY'S REPORT

There was no Attorney's Report.

STAFF REPORT

Cancellation of the June 3, 2009 Board of Commissioners Workshop Meeting: Executive Assistant Carol Chandler reported there were no agenda items for the June 3, 2009 Board of Commissioners Workshop meeting and suggested the Board may choose to cancel the meeting.

Commissioner Frady moved to cancel the June 3, 2009 Board of Commissioners Workshop meeting due to a lack of agenda items. Commissioner Hearn seconded the motion. The motion passed unanimously.

BOARD REPORT

Request Concerning the GDOT Safe-Routes-to-School Grant: Commissioner Hearn asked County Administrator Jack Krakeel to "follow-up" on the GDOT Safe-Routes-to-School Grant every two to three months since he was concerned about the extremely long period of time similar projects take and so the progress could continue to be on the "hotlist" until it was completed.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

Chairman Smith stated the agenda had been completed, and without an objection from the Board, he adjourned the May 28, 2009 Board of Commissioners meeting at 9:08 p.m.

Floyd L. Jones, Deputy Clerk	**Jack R. Smith, Chairman**

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11th day of June 2009.

Floyd L. Jones, Deputy Clerk