Minutes

Board of Commissioners
May 14, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, May 14, 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 14, 2009 Board of Commissioners meeting to order at 6:59 p.m.
Commissioner Hearn gave the invocation.
Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Horgan moved to accept the agenda as published. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION/RECOGNITION:

PUBLIC HEARINGS:

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.

Chairman Smith announced that this hearing was scheduled for the current meeting but due to a slight problem the presentation had been readvertised and would be heard during the May 28, 2009 Board of Commissioners meeting. A copy of the request, identified as “Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Chairman Smith informed the audience that the Board had decided to make a slight alteration with Public Comment and the change would apply to those who came to comment on the proposed alignment of Phase II of the West Fayetteville Bypass. He said public comment would be allowed at the time the item was discussed by the Board so there would be no disjunct between the topic and its related public comments.

No one spoke during Public Comment.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 1-13. Commissioner Frady seconded the motion. Chairman Smith stated that staff requested Consent Agenda Item 11 be removed from the agenda and for the Board not to consider the item during the current meeting.

Commissioner Horgan amended his motion to approve Consent Agenda Item 1-13 with the exception of Consent Agenda Item 11 which is to be removed from the agenda. Commissioner Frady seconded the amended motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's request to purchase and convert a new 2009 Ford E-250 Van for use by Animal Control, at an aggregate cost of approximately $27,736. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

2. **Approval of staff's recommendation to award a service agreement for five years to Yancey Power Systems for preventative maintenance and inspection of a generator located at Fayette County Jail and Justice Center at an aggregate cost of $20,574.26. A copy of the request and service agreement, identified as "Attachment 3", follow these minutes and are made an official part hereof.**

3. **Approval of the Vehicle Replacement Committee's recommendation to replace a 2005 Ford Crown Victoria used by the Sheriff's Department, Field Operations Division, which was involved in a traffic collision. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

4. **Approval of Sheriff's Department request to amend the Overtime Budget Account for the Fayette County Sheriff's Office Criminal Investigations Division by $2,502.96 for reimbursement for employees assigned to work with various Federal agencies. A copy of the request identified as "Attachment 5", follows these minutes and is made an official part hereof.**

5. **Approval of staff's recommendation to accept Boatwater Bend, Wood Canoe Court, and Dock Street Alley of Longboat Subdivision into the County Road System, subject to the terms of the letter of credit. This subdivision is located in Land Lot 70 of the 7th District, fronts on SR 54 West, is zoned R-40, and consists of 25 single-family dwelling lots. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

6. Approval of staff's recommendation that Fayette County enter into a Memorandum of Agreement (MOA) with Coweta County that establishes cost sharing between the two counties for the cost of floodplain mapping and modeling. A copy of the request and the Memorandum of Agreement between Fayette County and Coweta County, identified as "Attachment 7", follow these minutes and are made an official part hereof.

7. Approval of staff's recommendation that Fayette County enter into a Memorandum of Agreement (MOA) with Peachtree City that establishes cost sharing between the County and Peachtree City for floodplain mapping of both Line and Camp Creeks. A copy of the request and the Memorandum of Agreement between Fayette County and Peachtree City, identified as "Attachment 8", follow these minutes and are made an official part hereof.

8. Approval of staff's recommendation that Fayette County enter into a Memorandum of Agreement (MOA) with Town of Tyrone that establishes cost sharing between the County and Tyrone for the cost of floodplain mapping of Line Creek. A copy of the request and the Memorandum of Agreement between Fayette County and the Town of Tyrone, identified as "Attachment 9", follow these minutes and are made an official part hereof.

9. Approval of staff's recommendation that the annual cost of street lights in designated districts in unincorporated Fayette County be increased to cover the actual cost incurred by the County for payment of the lights. A copy of the request and Resolution 2009-08, identified as "Attachment 10", follow these minutes and are made an official part hereof.

10. Approval of the Water Committee's recommendation to award the bid for air conditioning at the Crosstown Water Treatment Plant Pump Station and the Flint River Pump Station to the low bidder Powers Heating and Air at a cost of $70,496. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

11. Approval of the Water Committee's recommendation to change the location of an easement to access a mitigation tract owned by Fayette County in Meriwether County, in accordance with a request by the adjacent property owner whose land the easement will traverse. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

12. Approval of staff's request to increase Parks and Recreation's Donation Revenue Account and Non Self-Sustaining Expenditure Account by $1,000 in order to recognize a donation from the Department of Human Resources District Four Health Services. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

13. Approval of April 23, 2009 Board of Commissioners minutes.

OLD BUSINESS:

B. Presentation of the proposed alignment of Phase II of the West Fayetteville Bypass by the Public Works Department.

Public Works Director Phil Mallon and David Jaeger of Mallet Consulting presented a status report on Phase II of the West Fayetteville Bypass as well as the project's most current alignment.

Mr. Jaeger reminded the Board that two open houses have been held by the County with respect to Phase II of the West Fayetteville Bypass and a public information open house was held in September 2008 where its initial conceptual alignment was presented. He stated that while approximately 50 or 60 people attended the open house the County received no comments on the presentation. He stated that since the open house the County has reviewed multiple alignments based on various criteria such as overall construction cost, safety, standard engineering practice and design criteria, safety and location of major intersections, impacts to wetlands and streams, irrigation costs associated with impacts to wetlands and streams, impacts to properties, the cost associated with impacts to properties, and access control. He said, based on the criteria, the County has arrived at what the Consulting Team and staff favors in the way in a final alignment for Phase II and said he wanted to present the findings to the Board and to the audience. He asked the Board and the audience to look at the televisions located in the Public Meeting Room before discussing and explaining a map of the proposed alignment of Phase II of the West Fayetteville Bypass which was displayed on the screens.

Chairman Smith said that as the "first section of Tillman Road" was being discussed he noticed what appeared to be some small lots. He asked if the County acquired the right-of-way through that area would it render any of the lots unusable in the future or to a size that is smaller than the County would require. Mr. Mallon replied that the impact to the properties, other than transitioning from a gravel road to a paved road, would be very minimal, but he added there may be some easements that are needed and a few feet of right-of-way.

Chairman Smith said he understood creek crossings, from an environmental impact, are gauged to be as close to 90 degrees as road crossings or intersections. He asked if there is such a thing as a minimal angle for creek crossings. Mr. Jaeger said he was not aware of a minimal angle of crossing but obviously, if the creek is crossed as perpendicular as possible then the creek would be impacted to the least degree. He said they were trying to cross the creeks as close to perpendicular as possible so there would be a minimal impact to the stream channel and it would also assist in meeting the threshold required in the original permit because it is assessed on each individual crossing.

Chairman Smith said the best he could tell this particular alignment directly impacts two houses and a barn at Janice Drive and Lee's Mill. Mr. Jaeger replied one house would be impacted at the intersection of Lee's Mill Road and two properties located on Janice Drive would also be impacted where the proposed alignment crosses. Chairman Smith said he understood the houses would be acquisitions and asked if the barn could be relocated or if the County would also buy it and the owner would either move it or build a new one. Mr. Mallon answered the County would have to further investigate the barn to determine if it was in a condition where it could be moved.

Commissioner Horgan asked, with the proposed alignment reduced from 120 feet to 100 feet, would it still enable the County to have any bicycle paths or similar features such as Fayetteville's City Square. Mr. Jaeger said 100 feet would be sufficient for those type projects in the future.

Commissioner Hearn asked Mr. Jaeger the overall length of the proposed alignment. Mr. Jaeger replied that Phase II was just over four miles long, or approximately 24,000 to 25,000 feet. Commissioner Hearn asked if the proposed alignment attempted to minimize property impacts to all property owners along the entirety of Phase II. Mr. Jaeger replied that was one of the major criteria that and that all criteria, as previously discussed, were used to decide the most preferred alignment. He reiterated that property impact was a major criteria used but not the only criteria used.

Commissioner Frady asked if access to the Bypass would be limited. Mr. Mallon answered that was being addressed in two phases. The first was based on the alignment of the road itself minimized potential future development demands, and the County is working with the Planning and Zoning Department to "come up with" an Overlay Zone or some other type of regulatory restriction that would control access along the road.

Chairman Smith referenced the first house north of Lee's Mill, or the Smithfield house, and asked if the road could be shifted northerly to move slightly off of their house, or is the County restricted by the arcs and crossing at the creek". Mr. Jaeger said the County was somewhat constricted by the creek crossings and the curvature of the road. He said during the final design the County fine-tuned the proposed alignment to the best of its ability to further minimize impacts to properties as well as natural features.

Chairman Smith asked, with the understanding that the proposed alignment is not final until all of the engineering work is completed, in Mr. Jaeger's experience, what would he say the possibility for margin is there. Mr. Jaeger answered the margin is probably less than 100 feet. Chairman Smith asked, based on the answer given, if the proposed alignment is a fairly close estimate of where the Bypass would be constructed. Mr. Jaeger replied that was correct.

Commissioner Frady asked what was its current distance from the house. Mr. Carlos Christian answered the distance between the house and the road right-of-way was about 130 feet.

Chairman Smith said the proposed alignment was going to go through Mr. Blount's property and asked if the County approved the proposed alignment what would be the approximate distance between the adjoining houses and the road right-of-way. Mr. Jaeger answered the house on the west side of the road would have a distance of approximately 120 feet, and the house on the east side of the road would be about 50 to 60 feet from the right -of-way.

Chairman Smith stated the crossing of the road there is not exactly 90 degrees although it is pretty close. He asked if there is a sight-distance issue with the curve to either side of the proposed alignment that has to be dealt with during construction. Mr. Jaeger replied that after some study there was a possibility that a curve would have to be "smoothed out" or some vegetation would have to be removed along the right-of-way.

Chairman Smith asked if there was an estimate of the impact on the driveways for the property adjacent to the road bed, such as the Blount's neighbors. He said they seemed to be reasonably close to the intersection. Mr. Jaeger anticipated that from an elevation standpoint there would be minimal impact to those driveways, but it is possible they would have to be shortened if additional turn lanes were added on Lee's Mill Road.

Chairman Smith asked if there was any anticipated impact on Mallard Creek Road, and asked if any foreseeable changes to its alignment or intersection with Lee's Mill Road. Mr. Jaeger said there were not any foreseeable changes to Mallard Creek Road.

Chairman Smith asked about the property where the barn is located by saying the alignment is going across the driveway so it was obvious the driveway would have to be relocated. Mr. Jaeger agreed. Chairman Smith asked if there was a tentative idea of where it would go. Mr. Jaeger replied that there had not been driveway relocations investigated at this point in time. Mr. Mallon added that he thought all the driveway relocations would be balanced by working with property owners to determine their preference as well as maximizing sight distance and distances between intersections. He said the County has not yet looked at that level of design at this point.

Commissioner Horgan asked if there was a total of how many streams and creeks would be crossed and what are the precautions that will be taken to minimize the impact on these areas. Mr. Jaeger answered that during the final design there are measures to be used for crossing creeks other than the traditional culvert crossing which will effectively bridge the creek with a system similar to what was known as a bottomless culvert. He said it is more of an arch-type scenario so that the creek can be spanned without actually impacting the creek directly. He said it is a matter of determining the size of the structure required, the amount of flow that it would need to pass, and the constructability and the cost comparison between the bottomless culvert systems versus a traditional culvert crossing. He explained when alignment analyses are conducted it is best to assume the worst-case scenario and so the proposed alignments accounted for adverse scenarios. He felt that as the plans moved to their final design it would be possible to further minimize the impacts. Mr. Jaeger then added there are eight stream crossings associated with the proposed alignment and the terminal footage for the stream crossings is 1,369 feet and none of the individual crossings are more than 260 feet which is the maximum worst-case scenario.

Chairman Smith mentioned the proposed alignment tried to follow property lines as much as possible in order to keep from having one property owner bear a disproportionate burden when it could be shared, with the obvious exceptions at Lee's Mill Road where, instead of destroying a whole neighborhood, it would go through one house. He asked about the property with a recycling yard and said "north of that proposed alignment, between the property and the stream" appeared to be a large piece of property that would become an island, and he asked if the property was buildable or wetlands or if the nature of the property was known. Mr. Jaeger answered that based on the topography, since it slopes steeply towards the creek, he was unsure if it would be classified as a wetland but it would get into the stream buffer areas, and including the topographical limitations, it would most likely prevent the land from being developable.

Commissioner Maxwell asked to return to the Lee's Mill intersection and said he had some questions. First, he asked, other than the proposed alignment that has been presented, he asked if it could be considered to terminate the road at Lee's Mill, taking it down Mallard Creek Road, or any other alignment that would not take any property or houses. Mr. Jaeger said other alignments had been considered and explained why the currently proposed alignment was being presented.

Commissioner Maxwell asked if there was a way to reroute the proposed alignment around the Blount house and still achieve the objective. Mr. Mallon replied that other alignments were in different locations, but they impacted other properties, as well as creating more costs, and having access management is more difficult at other locations along Lee's Mill Road.

Chairman Smith then opened the floor for public comment on this issue.

Randy Blount: Mr. Randy Blount, a resident of Lee's Mill Road, spoke in opposition to Phase II of the West Fayetteville Bypass. He spoke about the difficulties the proposed alignment created for his family, and how upset his family was over the prospect of losing their home, especially in these difficult financial times. He asked the Board to consider other options that would save homes and meet its desired goal. He closed by asking the Board to ensure his family was treated fairly so they would be able to have the same type of home that they may lose, and concluded that roads and bypasses do not make communities or win elections, but homes do.

Steve Smithfield: Mr. Steve Smithfield, a resident of Lee's Mill Road, spoke in opposition to Phase II of the West Fayetteville Bypass. He said he represented the West Fayetteville Bypass Coalition, or WFBC, which is a group of citizens "opposed to the West Fayetteville Parkway project". He contended that when SPLOST was originally passed the voters were misled since this particular item was not on the ballot. He added that for years the citizens had heard of a "Bypass", but the impacted property owners knew nothing about the project until they were notified that the bypass would cross their property. He questioned why the designation "Bypass" was changed to "Parkway". He referenced and discussed the *SPLOST Project R-5 West Fayetteville Parkway Phase II* document distributed by the County at the May 5, 2009 open house meeting, thought citizens had been mislead on the topic, suggested the West Fayetteville Bypass was being constructed for developers, and added that the public would be required to pay $800,000 for the bypass which would destroy eight wetland areas. He reiterated that existing residential land owners would be compelled to surrender their property and homes to Fayette County for the good of developers.

Dennis Chase: Mr. Dennis Chase, a resident of Crabapple Road and President of the Line Creek Association of Fayette County, spoke in opposition to Phase II of the West Fayetteville Bypass. He reminded the Board he had commented on this issue in the past so what he had to say would not be anything new. He informed the Commissioners that he had been in detailed contact with a number of federal agencies and, since he is a retired federal employee, he has a number of contacts at the Army Corp of Engineers, the Environmental Protection Agency, and the Fish and Wildlife Service. He stated it is very difficult to get clear information from Fayette County on this project, and while the Road Department has been helpful in some respect, it is nearly impossible to obtain information pertaining to what is going on, where it is going, and other alternatives. He stated he gave Mr. Smithfield the $800,000 estimate for mitigation from a document supplied to the Army Corp of Engineers on April 19, 2009 from Fayette County, and he suggested that the estimate is a "low-ball" number. He informed the Board that the Regional Administrator of the Environmental Protection Agency has communicated through conversations and correspondence that he anticipates seeing an environmental impact statement on this project. He reiterated that similar discussions had occurred with the Army Corp of Engineers before stating the Board is heading down a road that is going to end up "with a restart one way or another". He let the Board know that he was familiar with "all the details and how the process works for 404 permits" and that he had "intimate knowledge" regarding how the Natural Environmental Policy Act works, that he is working with the Environmental Protection Agency, and that the County would have to "tow the line in every single detail probably more so than any other applicant" who has come before them for similar projects. He concluded by saying he thought he understood why the Board was continuing with this project but as a person who sees his tax dollars going into the SPLOST he is concerned that the County is continuing to spend money on a project that will have to be redone.

Paul Parchert: Mr. Paul Parchert, a resident of Janice Drive, spoke in opposition to Phase II of the West Fayetteville Bypass. He stated that little had been discussed about the impact of the Bypass on Janice Drive before saying the proposed alignment would affect an entire community, not just two homes, and that every house on Janice Drive would be impacted by the road and its associated noise. He explained that the Bypass would run along his side fence and would be less than 50 feet from his bedroom window. He also spoke about the danger of a privately-owned earthen dam north of his property that has nearly overflowed several times and warned if the dam broke it would "wipe out the road"" and would probably kill everybody on the road. He returned to the impact of the proposed alignment to the community and said it defeated the reason he moved to the community. He continued that home values would decline and potential

home buyers, namely first-time home buyers with small children, would be dissuaded from purchasing homes located next door to a major road. He closed by repeating that the proposed alignment would hurt all of the homeowners in the neighborhood and that property would depreciate measurably.

Mrs. Stuart Barnes: Mrs. Stuart Barnes, a resident of Lakeview Court, spoke in opposition to Phase II of the West Fayetteville Bypass. She said this issue became her concern when she learned people could lose their homes as well as the cost of the Bypass. She stated "not one person should have to worry about their home in Fayette County". She was also concerned that the residents would not receive "anything" based on current resale values. She questioned the length of time to complete the project, who would be hired to complete the project, and if the workers would be from Fayette County. She continued that when voters chose to vote for the have SPLOST tax they expected roads to be repaired, and concluded that the project is based on an outdated concept, that the County does not need more "engines" running through it, and that the Board should table the discussion to rethink the project.

Meaghan Blount: Ms. Meaghan Blount, a resident of Lee's Mill Road, spoke in opposition to Phase II of the West Fayetteville Bypass. She said it was hard to imagine her home would one day be a "spot in the road" and that she and her family were trying to understand the reason for the project even though the answer was hard to grasp. She said the only logical answer was that this was part of God's plan and would hopefully be a blessing, but that it has been difficult on her family who has been coping with this issue for the past month. She added it was difficult to look optimistically at the situation when "you don't know what you will have or where you are going to be." She stated that the main benefit to all of this was she still had her family and it was something the Board would not be able to take from her. She said her family had been understanding with the Board and implored that the Board be understanding with her family and provide them with the fair amount to replace what they will lose. She concluded that while money could not replace memories and experiences shared in the home, it could help recreate what they have in a different location. She asked the Board to take all of this into consideration when it makes its final decision before thanking the Board for listening and trying to understand the situation.

Latrelle Burcher: Mrs. Latrelle Burcher, a resident of Lee's Mill Road, spoke in opposition to Phase II of the West Fayetteville Bypass. She presented the *1991-2020 Fayette County Comprehensive Growth Management Plan*, commented from pages 29, 31, 32, and 54, and stated the West Fayetteville Bypass would violate what is written in the Plan. She said the Bypass would damage the headwaters for Whitewater Creek which is the County's major water supply, that it would damage the filtration area for the County's drinking water, that it would not be aesthetically pleasing, that it would not maintain the rural character of Fayette County, and was not "growth management". She mentioned that there are two viable ways to "coming from Highway 54 to Highway 92" by using either Gingercake Road or Flat Creek Trail. She spoke about the number of school buses that would have to cross Highway 92 going "into Lee's Mill", and suggested if the Board approved the proposed alignment it would put children's lives at risk. She concluded that the Board would annihilate and destroy one of the most natural and beautiful areas of Fayette County to construct a Bypass with culverts, that it would hide Fayette County's natural beauty, and would allow the headwaters for Whitewater Creek to be polluted which would pollute Fayette County's drinking water.

Edgar Williams: Mr. Edgar Williams, a resident of Lee's Mill Road, spoke in opposition to Phase II of the West Fayetteville Bypass. He said he was concerned about the pollution associated with the Bypass before telling the Commissioners that he would gather "a small army" by going to schools and booster club meetings in order to "vote out" every Commissioner who votes in favor of the Bypass and to vote for Commissioners who oppose the Bypass.

Gordon Furr: Mr. Gordon Furr, a resident of Tyrone, Georgia, spoke in opposition to Phase II of the West Fayetteville Bypass. He said he was familiar with the land in five counties around Fayette County due to his 25 to 30 years of experience installing septic tanks, that he did not want to see the wetlands "dwindle to nothing and dry up" due to the

installation of culverts, and he did not know why the County would not construct bridges instead of culverts. He asked about how wildlife would get from one side of the Bypass to the other side without stop signs. He referred to the culverts on Kirkley Road as an example of the problems that can exist when wildlife is unable to cross the road by saying it looked as if someone went there with a double-barreled shotgun. He reiterated when culverts are built they dry up the wetlands, and if that occurred, Fayette County would resemble Henry County whose streams are polluted. He mentioned that Fayette County's water was "not so good" and questioned what would occur when the wetlands dried up. He added when development was constructed on Gingercake Road in the 1970s it nearly destroyed Crystal Lake and caused the lake to be a mudhole for years. He suggested that development of the West Fayetteville Bypass would "take out" Crystal Lake. He summarized that the Board was not doing right by its people by destroying the wetlands and drinking water, and that future generations will have to put up with the Board's action since it does not know what it is doing if it approves the proposed alignment.

Ellen Morley: Ms. Ellen Morley, a resident of Fayette County, spoke in opposition to Phase II of the West Fayetteville Bypass. She reminded the Board that she had spoken to several of the Commissioners before, that her property was at the end of Janice Drive, and that her property would be "cut off" from the subdivision. She said she was reassured by many of the Commissioners that the Bypass was not meant for subdivisions or developments, and she wanted to believe the Commissioners, but she saw a map in the "permit office" and knew the land would be developed. She said it was obvious her home would be affected by the proposed alignment, that she was a Master Gardener who had willingly worked for the County free of charge and loved doing so, and that her home would no longer be a certified natural habitat due to the road which would be constructed directly in front of her house.

David Sexton: Mr. David Sexton, a resident of Lee's Mill Road, spoke in opposition to Phase II of the West Fayetteville Bypass. He informed the Board that one of the alternative alignments which was reviewed and considered would have been adjacent to and taken some of his property. He said he met with some of the County's planners in the past to express his concerns, and one of his concerns was that the County was operating with "very dated information". He said his initial conversations involved the need for bypasses around the east and west side of Fayetteville for the purpose of moving traffic from SR 85 on one end of Fayetteville to SR 85 on the other end of the city. He suggested that the West Fayetteville Bypass will not accomplish its goal since it is meant to only meant to go to West Bridge Road and SR 92, and it would not accomplish the goal since there is not good access from West Bridge Road back to SR 85 or the Fayette Pavilion. He suggested that the current plan would only increase traffic on SR 92, Gingercake Road, New Hope Road, and cut-throughs to New Hope Road. He was also concerned about the East Fayetteville Bypass, since he understood it would be constructed with federal money and would therefore be slowed by more requirements and impact studies than its West Fayetteville Bypass counterpart. He was concerned that the delay with the East Fayetteville Bypass would cause undue traffic along the West Fayetteville Bypass and on the residents living in Lee's Mill area. He questioned how many people were in support of the West Fayetteville Bypass, said he had heard no support for the proposed alignment, and asked where was the record of support on this issue. He said it seemed to him that with the Main Street Development choices being made in downtown Fayetteville and the lack of retail that exists around the Square and in the city, it did not make sense to take traffic off the roads in downtown Fayetteville and thereby decrease the support for local businesses in the community.

Tom Waller: Mr. Tom Waller, a resident of Sandy Creek Road, spoke in opposition to Phase II of the West Fayetteville Bypass. He stated that language matters and that words mean things, and when the term "Bypass" is used it does not mean "hooking up" a four-lane highway with a curvy two-lane road, namely West Bridge Road which is dangerous. He said the project was not a Bypass, but, as the newspapers called it, a road to nowhere funded by $12 million tax dollars. He asked if the term "Parkway" was being used in place of "Bypass" in an attempt by the County to make the project more palatable, and suggested that the plans provided for the project do not meet *Webster's* definition of a parkway. He also asked if the Bypass would be maintained in the same poor quality as other roads are in Fayette County since

he often has to clear-cut his portion of the County's right-of-way along Sandy Creek Road. He also referenced Flat Creek Trail as an example of poor maintenance. He asked the Board to recognize that the Bypass was not adequate and the need for a Bypass would continue even after Phase II was constructed. He suggested that the Bypass would do no more to alleviate traffic than Gingercake Road currently does. He added that Gingercake Road traverses along a ridge, violates only one waterway, is straighter than the proposed alignment, and has the same speed limit that is proposed for the West Fayetteville Bypass. He concluded by asking the Board not to vote in favor of the proposed alignment and to recognize that stewardship of the taxpayers' dollars matters. He closed saying the project is not a Bypass or a Parkway, but a road to nowhere.

Chairman Smith thanked the audience for coming to the meeting and voicing their opinions since it is an important part of the County's proceedings to hear from people who are impacted by decisions made by the Board. He said he wished he could go through every item that was brought up during each of the comments and told the audience to be assured that all of their concerns are and already have been taken into consideration. He stated staff had been asked to make multiple changes and multiple realignments to see how the County could best complete this project. He said it was unfortunately impossible, in any decision, to satisfy one hundred percent of the people one hundred percent of the time, that this was a decision the Board would not take lightly, it is a decision the Board understands will impact families and impacts entire areas whether they are wetlands, subdivisions, or neighborhoods, and that it is important the Board makes the best decision possible for the County as a whole.

Chairman Smith also clarified that it was not the Board's intention to vote on this item but only to receive staff's report and recommendation. He said the Board intended to study the issue until the next meeting and it would consider and weigh the comments and questions. He repeated the Board did not intend to vote on this item until the next meeting which would be held on May 28, 2009. A copy of the request and the SPLOST Project R-5 West Fayetteville Parkway Phase II document, identified as "Attachment 14", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

May 19, 2009 Budget Meeting: County Administrator Jack Krakeel reminded the Board that Tuesday, May 19, 2009 would be a Budget Workshop meeting for consideration of the Fiscal Year 2010 Budget. He said the meeting is scheduled to begin at 8:30 a.m. in the Conference Room adjacent to the Board of Commissioners' Chambers.

ATTORNEY'S REPORT

Jimmy Mayfield Boulevard Widening Project Contract Change Order Three: County Attorney Scott Bennett stated he had a Contract Change Order associated with the Jimmy Mayfield Boulevard Widening Project. He said the original engineer's estimates for aggregate base layer and asphalt binder were lower than what was actually needed for the project, and the net change in the contract for the additional aggregate is $156,621. He said the County's Project Manager, David Jaeger, sent him a proposed Contract Change Order which he asked to have brought to the Board for approval so that the project can be completed. He said the change increased the total cost of the project to $2,689,404. He said the total was still lower than the original estimated cost of the project which was $2.8 million dollars.

Commissioner Horgan asked who the contract was with, and David Jaeger replied the contract was with Southeastern Site Development. Commissioner Hearn told the County Administrator and involved staff that he would like to install a system of checks and balances so that the quantities could be inspected a little closer in order to ensure that the County will not face similar discrepancies in the future. Discussion followed.

Commissioner Horgan moved to authorize the Chairman to sign Contract Change Order Three with Southeaster Site Development at an additional cost of $156,621 due to quantity overages for Asphalt Paving and Graded Aggregate Base materials associated with the Jimmy Mayfield Boulevard Widening Project. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of Contract Change Order Three, identified as "Attachment 15", follows these minutes and is made an official part hereof.

Contract with Mill Creek Environmental Services, Incorporated: County Attorney Scott Bennett reminded the Board that on March 12, 2009 it approved a bid award for a Corrective Action Plan for the Public Works Fueling Facility to Mill Creek Environmental Services at a cost of $5,700. He said he had a contract for the work, the County had received the insurance and required bonds, and Mill Creek's representatives have signed the contract with the County. He asked for approval for the Chairman to sign the contract so work could begin.

Commissioner Horgan moved to authorize the Chairman to sign a contract with Mill Creek Environmental Services, Inc. for the preparation of a Corrective Action Plan for the Fayette County Fleet Maintenance Facility at cost of $5,700. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Contract for Preparation of Corrective Action Plan for Fayette County, Georgia Public Works Refueling Facility, identified as "Attachment 16", follows these minutes and is made an official part hereof.

First Amended and Restated Animal Control Agreements: County Attorney Scott Bennett announced that for several years the County has provided animal control services to municipalities located within Fayette County. He said the County achieves "certain economies" by operating one animal shelter and having one set of officers, but in order for the County to exercise authority within the cities' jurisdictions, there must be certain contracts in place delegating authority to the County to enforce Animal Control laws. He explained those contracts were enacted in the late 1990s but in a recent case, in Judge Sams' court, Judge Sams' deemed that those contracts were insufficient and the County needed to revise them. He reported he has been working with each of the municipalities and their lawyers to come up with an agreement that would satisfy the legal requirements for the County to exercise jurisdiction over the cases. He said the County had reached an agreement with Tyrone, Fayetteville, and Peachtree City, and that work is continuing with Brooks and Woolsey. He added he wanted to get these agreements into effect so that the County could resume animal enforcement within these three municipalities and said these agreements basically restate the original agreements between the cities and the county. He informed the Board that the agreements also appoint Judge Sams to serve as Municipal Court Judge with respect to animal control services. He said that is a technicality for Judge Sams to exercise jurisdiction of those types of cases in his court, and the agreement also appoints the County Solicitor for Municipal Court purposes for these types of cases. He said these are legal technicalities that are required and that the cities are in agreement with them. He said from the County's standpoint nothing will change with the exception of some minor changes that clear up technicalities. He asked for authority for the Chairman to sign the contracts with the cities. He mentioned the contracts would expire at the end of Judge Sams' term of office, if he is not reelected, and then the County would need to renew the agreements for the new judge. Discussion followed.

Commissioner Horgan moved to authorize the Chairman to sign First Amended and Restated Animal Control Agreements between Fayette County and the City of Peachtree City, the City of Fayetteville, and the Town of Tyrone as presented by the County Attorney. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

Mr. Bennett clarified that there is no problem with the Town of Woolsey or the Town of Brooks, but that the County "has just not gotten in touch with them". Copies of the First Amended and Restated Animal Control Agreements between Fayette County and the City of Peachtree City, the City of Fayetteville, and the Town of Tyrone, identified as "Attachments 17, 18, and 19, respectively, follow these minutes and are made an official part hereof.

STAFF REPORT

There was no Staff Report.

BOARD REPORT

There was no Board Report.

EXECUTIVE SESSION

Litigation: County Attorney Scott Bennett announced that litigation needed to be discussed in Executive Session. Commissioner Horgan moved to adjourn into Executive Session for the purpose of discussing litigation. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned into Executive Session at 8:23 p.m. and returned to Official Session at 8:55 p.m.

Executive Session Affidavit: Chairman Smith asked for the record to state no action was taken in Executive Session and that litigation was discussed.

Commissioner Hearn moved to authorize the Chairman to sign an Executive Session Affidavit stating one item of litigation was discussed in Executive Session. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 20", follows these minutes and is made an official part hereof.

ADJOURNMENT

No further business came before the Board. Chairman Smith adjourned the May 14, 2009 Board of Commissioners meeting at 8:55 p.m. without an objection from the Board.

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