

The Board of Commissioners of Fayette County, Georgia met in Official Session on July 11, 2002, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Peter Pfeifer
A.G. VanLandingham

COMMISSIONER ABSENT: Herb Frady

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
Carol Chandler, Executive Assistant
William R. McNally, County Attorney
Linda Rizzotto, Chief Deputy Clerk

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

PRESENTATION/RECOGNITION:

BUDGET AWARDS FOR FISCAL YEAR BEGINNING JULY 1, 2001: Chairman Dunn introduced Mr. Jim Triplet, Finance Officer for the City of Carrollton, and current President of the Georgia Government Finance Officer's Association. Mr. Triplet presented the county with an award for, Financial Excellence in Reporting, for the audited financial statement for the year ending June 30, 2001. He also awarded the county with the distinguished, Budget Document, award which document must meet the excellence in reporting in preparation for the Government Finance Officer's Association for the year ending June 30, 2001.

Mr. Triplet stated one of the things when the GFOA went around and made presentations to the local governments, especially governments like Fayette County, that has earned these awards for multiple years, it was easy for the governments to take these awards for granted. He said the GFOA liked to go around and remind folks that the Association did appreciate our participation in these programs. He said committing to produce an audit and budget report that meet these standards that are eligible for these awards, takes a great investment of staff's time by the county. He added that it also took great coordination with the auditor on the audit report and by participating in this program, and by achieving these awards, we are making a statement to our residents at large and the business community that we support a standard of excellence in our financial reporting and in our budget preparation.

Mr. Triplet said we all know that in the last few weeks that a standard of excellence was very important when it came to financial management of our local government.

Mr. Triplet said a lot of times people didn't recognize the economic benefit that the CAPRA

report can be to your local government. He commented one of the first things those bond rating agencies look at was whether or not this award had been achieved by the local government. He stated that Mark Pullium told him before tonight's meeting that we have an AA bond rating and any time that you go to the debt market, that better bond rating was going to translate into lower interest rates which means cost savings for our local government. He said that an understandable and useable audit report was beneficial. He added that industry recruitment, and communication with the citizens produced a lot of practical benefits that the government can realize by achieving this.

Mr. Triplet remarked that on the budget side, also, adopting a standard of excellence in planning the uses and the resources of the county's money for each upcoming year was important. He said when we adopt this document, we were setting out a financial roadmap of our goals and objectives of where we want to go in the upcoming year. He said we were setting benchmarks and standards and goals by which we could measure each department's performance as we progress throughout the year.

Mr. Triplet presented the distinguished Budget Presentation Award from the GFOA and the GGFOA for the Fiscal Year beginning July 1, 2001. On behalf of the GFOA and the NGFOA, he also presented the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year ending June 30, 2001. Finance Director Mark Pullium accepted the awards on behalf of the county.

Chairman Dunn stated that our country was going through a hard time now with auditors, consultants, and everything else and the stock market was in a mess because of it. He commented that he was glad that the GFOA and the NGFOA were outside agencies who could look at Fayette County, Georgia, and find this degree of excellence. He said he wished he could say that the Commissioners were responsible for it but the people in our Finance office and our County Administrator, were the ones chiefly responsible for putting our budget documents together. He congratulated the Boards that proceeded this one because, as Mr. Triplet said, this was several years in the making and he was glad to see that the standard of excellence remained. He thanked Mr. Triplet for citing the county in this way.

Finance Director Mark Pullium thanked the Commissioners for the support they gave him and his staff in the preparation of the budget documents and to the commitment to achieve these high standards of excellence. He remarked it says a lot to work for a Board of Commissioners and for a County Administrator that has commitment to these high standards of professional excellence. He said this also provides the citizenry with some documents that were very useful in determining and reviewing the financial operations of Fayette County. He thanked the Commissioners, Administrator Chris Cofty, and also to the staff in the Finance Department, especially to the Budget Officer, Margaret Malone who has worked diligently with him to achieve these awards.

OLD BUSINESS:

YOUTH ASSOCIATION CONTRACT ADOPTED: Engineering Director Ron Salmons brought the Youth Association contract to the Board for its consideration of the revisions to the contract for the utilization of the recreational facilities. He stated that this culminates eight to ten months of hard work by the Parks and Recreation staff and Mr. McNally's legal staff in putting this all together. He said there were basically four items that were being revised. He commented we were now requiring the Associations to carry liability insurance, the coaches were now going to be required to have a background check. He said the use of the facilities were going to have to be designated as to time and location, when they will use the facilities, so that the county will be able to schedule the other times for other events. He said the agreements will now be executed by the Chairman of the Board of Commissioners. He asked that Anita Godbee with the Recreation Department come and give a detailed explanation to the Board.

Mrs. Godbee said the Recreation Department staff realized that it needed to be proactive in order to protect our citizens, especially the youth, the associations, and of course, the county as a whole. She stated the Recreation Department wants to make sure that the associations and the county were doing things that were up front and legal. She called attention to the contract on page one where the associations will now be required to provide us with the dates and times when they will be using the fields. She added in past years all the associations had done, was to give the county a year-to-year contract and had use of the fields twenty-four hours a day, seven days a week. She said the Recreation Department was now letting other groups utilize our fields and they also have to provide us with their schedule so that we will know how to schedule time among the groups.

Mrs. Godbee said the second change was that we now require the associations to provide general liability insurance giving us a Certificate of Insurance. She said this was to protect the association so that if a child did get hurt on the field, and was sued, they would have the liability protection. She added the Certificate of Insurance will protect the county in that the association will hold us harmless of anything unless there was gross negligence on the part of the county.

Mrs. Godbee said, concerning background checks, that staff had investigated many of the surrounding counties and asked what they did, and they asked the associations how they felt about this. She said staff has come up with a policy they felt everybody could live with. She remarked the policy will require all of the coaches and assistant coaches, whoever applies, to submit to a background check. She stated our Marshal's office has agreed that they will do these background checks for us, and they will then release a letter to the association stating who was good and who was not good. She said the Marshal's office would not divulge what crime anyone was convicted of. She said, however, the Marshal's office will say, yes

they can coach, or no they can't coach. She said at that point it was then left up to the association's to say I know what was in his background so he might have been convicted of something when he was eighteen years old and he's sixty years now and he still wants to coach and the association wants him to coach because enough time had gone by without any other convictions. She said the association's still had the right to choose. She said if they tell a coach no, that he cannot coach because of his background, the person will have a right to appeal to the association. She added that they would have to do this in writing within ten days and at that time the Marshal's office will release the results of their records from the NCI and GCI to the individual, who then can appeal to the Association Board. She explained that the association would setup a panel and decide at that time whether or not to uphold the decision of the disqualification as a coach. She mentioned that the Association Board would make the final decision.

Mrs. Godbee said basically the last document here was a release that all coaches and assistant coaches would have to sign. She mentioned that staff had become notaries to help the process run smoother.

Chairman Dunn asked if there would be any charge to the association for a background check.

Mrs. Godbee said there would be a charge of \$5.00 for the traffic portion of the background check. She said she thought the rest of the background check by the NCI and the GCI would be free.

Chairman Dunn clarified that what we would be doing would not cost them anything.

Mrs. Godbee said she just found out today that the Soccer Association would be requiring a background check because it was past down to them today from the State, and they will have to do this anyway.

Mrs. Godbee also mentioned that the Recreation Commission Board had not had a chance to look at this. She said she felt, they were in favor of it because they have said they wanted background checks in the past. She said the Commissioners may want to consider this in the motion.

Commissioner VanLandingham asked if for some reason, neither the coach nor assistant coach was available to attend a game, would anyone else be allowed to step in and do this job, without a background check.

Mrs. Godbee stated no one would be allowed to do this. She said this would also be left up to the associations to monitor that. She added there might be a chance that somebody will

step up there and coach a team.

Chairman Dunn suggested maybe an association member could step in.

On motion made by Vice Chair Wells, seconded by Chairman Dunn to adopt the Youth Association Contract pending approval from the Recreation Commission Board. The motion carried 4-0. Commissioner Frady was absent from the meeting.

A copy of the Agreement with Exhibits A and B attached, are hereby identified as "Attachment No. 1", follow these minutes and become an official part hereto.

Chairman Dunn announced that Commissioner Frady was absent tonight because he was out of town attending a seminar of the National Association of County Commissioners.

FURTHER DISCUSSION OF PAVING QUARTERS ROAD: Dan Hudson stated he was there to ask the Board for further consideration on the petition that was put forth to pave a portion of Quarters Road, from the end of the existing pavement at the end of High Grove up to Alexander Ware Place.

Mr. Hudson said he knew Mr. Hearn from Public Works had his staff surveying the road and gathering information about the process, and probably has presented the Board with this information also. He said basically he would like to move it forward if he could or have more discussion.

Commissioner Pfeifer stated it was known that he supported Mr. Hudson's request, however, he was not ready to make a motion at this point. He advised that a couple of issues have come up in the past couple of weeks. He said he was asked to take a look at an existing program in the county ordinances called the Scenic Roads Program by one of the Commissioners who was not here tonight. He said he felt the Board should not discuss this matter tonight. He added that he had a meeting tomorrow night scheduled with the folks who live at the other end of Quarters Road. He said he hoped to facilitate something where everyone was served on this road.

Chairman Dunn said this has been a real frustration for the Board because whichever way we turn, we have come up with another problem. He commented that even this Scenic Road Program calls for paving just the easement. He said it would not be a really good road but it would be better than what was there, but then you could end up with a high speed connector road between Redwine and Ebenezer Road which would not meet state standards.

Commissioner Pfeifer acknowledged that it was apparent one of the problems in this area was speeding and cutting through and looking at ways to address that, whether a portion of the road was paved or not, it still needed to be addressed. He added that we could not use radar and laser on an unimproved road which was news to him until last week. He said he tried to find out why this was and decided the state may have set the ordinance in place before the lasers came out. He added you had to pace someone on a dirt road to give them a speeding ticket and that was a little difficult to do because you had to do it for a quarter of a mile and we have to find a way to clamp down on the speeds there, regardless of what solution we come up with.

Mr. Hudson said he agreed.

Chairman Dunn said the other data, referring to Mr. Hearn's information, showed an 80-foot right-of-way there but if we pave a road that was up to standard there, we were going to have to take out, just in Mr. Hudson's area, one hundred-forty trees. He added that if the county did the whole road it would probably be fifteen hundred trees and this was something the Board did not want to do if it didn't have to.

Mr. Hudson said he knew this process was lengthy. He said further that any issue that addresses the other end of the road needed to be addressed with those folks. He said his group had tried to keep it on their end of the road where the support for paving was. He commented with regard to the trees they were starting to die on his end of the road. He added that the traffic was not doing them well. He said he really did like the trees as well but there were other issues that were more important to him and that was the health of his family. He said this was where he stood on the issue and anything this Board could do to help the process would be greatly appreciated.

Chairman Dunn thanked Mr. Hudson for his patience.

Vice Chair Wells asked Mr. Hudson if he pursued Mr. Nance's kind offer to straighten out the bend in the road.

Mr. Hudson said he didn't think this matter was pursued.

Vice Chair Wells stated she felt this was a good, easy solution to straighten up the road somewhat and cut down on some of the potential problems of not being able to see. She said she had received a number of phone calls and letters from people who were very concerned at the other end of this road. Ms. Wells commented that the county had speeding problems all over the county, whether the road was paved or not. She said it was impossible for the Sheriff's Department to sit down there twenty-four hours a day, seven days a week. Ms. Wells remarked that the county could not create a scenario where people were going to abide by

the laws they choose and whether we pave this section of the road or not, that was not going to solve that particular problem at all. She stated she was adamantly opposed to changing the scenic value of that road or even paving a portion of it because as she said before, she felt this would only compound the existing problem. She added that it might ease it somewhat in front of Mr. Hudson's house but it was only going to compound the rest of that road. She said she could appreciate Mr. Hudson's predicament but she could also appreciate the people who want to maintain the aesthetic value of that area. She said she was not in support of any major changes of that road.

Mr. Hudson said he understood her issue. He pointed out that the area of the road that he was asking to change was one-hundred percent supported by the residents who live on that end of the road. He said there was already a paved portion going through High Grove and he didn't believe that paving the road another quarter of a mile would change what they do going down through High Grove. He said it was just a continuation of what was already there, so some of the issues already exist. He said he understood the opposition at the other end of the road. He added those folks were a little bit different than he was as most of these folks had fifteen or twenty acres and he only has five. He said he was much closer to the road and felt the effects more greatly than the folks at the other end of the road. He said the folks at his end of the road hear it, smell it, see it, and taste it. He said it was a little bit different down his end of the road. He said he use to go out his front door four years ago and saw cows in his front yard, and it was not the same out there anymore. He said he was not asking to impact the folks at the other end of the road, he was asking for help on his end and that was where he would like to keep the issue if we could. He stated he knew what these folks want and he understood their feelings but he would like for his feelings to be understood too and the rest of the folks on his end of the road.

Chairman Dunn said the Board was sitting there with King Solomon's problem; we have one road, one-hundred percent don't want it on one end of the road and on the other end, one-hundred percent want something else. He added most of the Commissioners don't want to cut this baby in half. He remarked that Commissioner Pfeifer would try to work something out.

CONSENT AGENDA: *On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to approve the Consent Agenda as presented. The motion carried 4-0. Commissioner Frady was absent from the meeting.*

THE KIWANIS CLUB APPROVED TO PLACE A SIGN: Approval of sign request from the Kiwanis Club to place a sign on the old courthouse lawn from July 27 through August 7, 2002 advertising the candidates' debate to be held at Sams Auditorium on August 7, 2002.

SHERIFF'S DEPARTMENT: Approve request from the Sheriff's Department to transfer funds in the amount of \$4,118.20 from the general budget to the Sheriff's Department budget

#130-5433. This is insurance compensation for an accident involving a Sheriff's Department vehicle.

PUBLIC COMMENT:

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

None

STAFF REPORTS:

BOARD OF EDUCATION TO USE OLD WOOLSEY FIRE STATION FOR STORAGE:

County Attorney McNally explained that the Board of Education was building new facilities across the street from their Whitewater Complex. He stated the school was ordering equipment so that the equipment will be ready at the time each of the new schools open. He commented that they have requested to use the old Woolsey fire station for storage of equipment for a two-year period.

The Board discussed the matter and determined there would be no conflict with this request.

Commissioner Pfeifer requested that we send a letter of notification to Mayor Laggis as a courtesy.

On motion made by Commissioner Pfeifer, seconded by Vice Chair Wells to approve the request by the Board of Education to use the old Woolsey fire station for a two-year period for storage of equipment. Notification to the City of Woolsey will be given. The motion carried 4-0. Commissioner Frady was absent from the meeting.

RESOLUTION NO. 2002-09 AND LETTER OF AGREEMENT APPROVING TRANSFER TO AT&T COMCAST CORPORATION:

Assistant County Attorney Dennis Davenport stated this item was a continuation from an earlier meeting. He commented AT&T needed more time to try and work out some unresolved issues. He said he and Mr. Cofty and Mr. Macke had met and worked out what they felt was a good solution to the issues that were raised in the negotiations. He said he had prepared a Resolution for the transfer in addition to a Letter of Agreement which addresses the resolved issues.

On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to approve the AT&T Comcast merger Resolution. The motion carried 4-0. Commissioner Frady was absent from the meeting. A copy of the Resolution and Letter of Agreement, identified as "Attachment No. 2" follows these minutes and becomes an official part hereof.

Vice Chair Wells commended Mr. Cofty for the good job he has done on this. She said she knew that this matter had required a great deal of his time and expertise as a negotiator and she appreciated it. She commented she felt the county had a good document here.

Commissioner Pfeifer said he agreed with Ms. Wells statement of appreciation. He said further that the folks who deserve a refund will appreciate this as well.

Chairman Dunn said when we sign this document, this will formalize what appeared in the paper last week that every AT&T customer in the unincorporated county will get a credit on their bill for liquidated damages received last year. He pointed out that Intermedia folks in the unincorporated county will receive a credit also.

Attorney Davenport stated there were two reasons for the credits and they will be different amounts. He remarked that one credit will go to the Media One AT&T customers in unincorporated Fayette County and a separate credit will go to the Intermedia AT&T customers in unincorporated Fayette County.

Chairman Dunn thanked the representative from AT&T, Andy Macke, for working well with the county and getting this done, and for also agreeing to take care of issuing credit to our customers who were inconvenienced quite a bit last year. He said he knew it wasn't a lot of money but it will help with one month's bill.

Mr. Macke stated as a local company they were pleased to be able to contribute to some good mail for some of the customers in unincorporated Fayette County. He offered his appreciation to Chris Cofty and Attorney Davenport for their time in helping him work through these issues.

Vice Chairman Wells wanted to note that this was one of the things that the Board of Commissioners was very involved with. She said they could have easily allowed this to pass and say, not our problem, but we have definitely encouraged staff to hold AT&T accountable for what they promised us. She said this Board should be commended for standing up and making sure the right thing was done for the citizens.

LETTER SENT TO DEPARTMENT OF COMMUNITY AFFAIRS CONCERNING ANNEXATION BY FAYETTEVILLE:

Attorney Davenport stated the county had received notice from the City of Fayetteville annexing property at the Pavilion. He explained that the Notice indicates they have annexed 55.35 acres but information within the documentation expresses a different number. He said since the annexation request has now been sent to the Department of Community Affairs, it is also being reviewed by the DCA. He said the method

of annexation that the City of Fayetteville used was the 100 percent method which was in their notice to us of the annexation. He commented he felt it would be good to bring this to the attention of the DCA. He said pursuant to some recent amendments to the 100 percent method, specifically one that requires that if a city annexes property using this method, it must annex all of the property of the requesting property owner. He said the reason there was an issue with this annexation was, if you look at the annexation, there was a 10-foot strip carved from the property of the property owner, and this seems to conflict with the requirements of the 100 percent method.

Attorney Davenport remarked with respect to why the 10-foot strip is there, not wanting to speculate, but if in fact the 10-foot strip did not get excluded from the annexation, it would have the effect of creating an unincorporated island just south of the annexed property. He stated either way you have the problem with not annexing all of the property, pursuant to the new requirement as of March 17, 2000. He said on the other hand, if you follow that requirement, you create an unincorporated island which was contrary to another code section for annexation. He said this was a dilemma we did not have a clear answer to and wanted to bring it to the attention of the DCA, to see if our concerns merit their reviewing it.

Chairman Dunn stated if you will recall when the annexation issue first came before this Board, we sent the City of Fayetteville notification that we felt that the annexation was not in compliance with the State of Georgia's law, and they saw it another way, and were determined to annex it anyway. He remarked that it was clear from the information he was presented with that it was in violation as we thought it was. He said there were a lot of options on what to do here but the least noxious for everybody involved would be to ask DCA for an administrative ruling that it was inappropriately done.

Attorney Davenport said the way the law has changed it was not entirely clear what DCA can do, if anything, but with respect to seeing this conflict in the language, the least we could do was to bring it to their attention, to the extent that they can make some changes or effect some change in the procedure. He added that this would be the way to go about doing it.

Chairman Dunn asked if we had to wait for an answer from DCA to determine how to proceed.

Attorney Davenport stated most likely the DCA will respond in some fashion once they receive our letter.

Mr. Davenport asked if the Board had time to review his draft letter to DCA.

On motion made by Commissioner Pfeifer, seconded by Commissioner VanLandingham to approve the draft letter to the DCA and authorize Chairman Dunn

to sign the letter which will be mailed to the Department of Community Affairs. The motion carried 4-0. Commissioner Frady was absent. A copy of the letter, identified as "Attachment No. 3" follows these minutes and becomes an official part hereof.

DOT CONTRACT NO. PR-202-1 APPROVED FOR BRIDGE REHABILITATION:

Executive Assistant Carol Chandler requested authorization for Chairman Dunn to execute the DOT contract for bridge rehabilitation of Kenwood Road bridge over Morning Creek and Inman Road bridge over Nash Creek.

On motion made by Vice Chair Wells, seconded by Commissioner Pfeifer to approve DOT Contract No. PR-202-1 for the rehabilitation of the Kenwood Road bridge over Morning Creek and Inman Road bridge over Nash Creek. The motion carried 4-0. Commissioner Frady was absent from the meeting. A copy of the executed contract, identified as "Attachment No. 4", follow these minutes and become an official part hereof.

WATER SYSTEM ANNUAL CONTRACT FOR WATERLINE EXTENSIONS:

Commissioner VanLandingham recalled the issue of waterline extensions that he requested to be removed from the June 27, 2002 consent agenda for further evaluation. He said everyone should have a copy of the schedule of items contained in the bid. He asked that this item be placed on the agenda for July 25, 2002.

There being no further business to come before the Board, on motion made by Commissioner VanLandingham to adjourn the meeting at 7:40 p.m.

Linda Rizzotto, Chief Deputy Clerk

Gregory Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25th day of July, 2002.

Linda Rizzotto, Chief Deputy Clerk