

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, March 22, 2001, 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
Harold Bost
Herb Frady

COMMISSIONER ABSENT: A.G. VanLandingham

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

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

PETITION NO. 1072-01:

Zoning Administrator Kathy Zeitler read Petition No. 1072-01, Nancy Cooper and Mitchell Edwin Cooke, Owners, and Landrum Family Limited Partnership and Attorney Newton Galloway, Agents, request to rezone 6.18 acres from A-R to C-H to develop a Self-Storage Facility. She said this property was located in Land Lot 70 of the 5th District and fronted on S.R. 85 South. She said the Planning Commission recommended approval with no recommended conditions (4-0) and staff recommended approval with conditions.

Chairman Dunn announced that the Board had received a request in regard to Petition No. 1073-01 from the attorney in this matter. He said the attorney had requested that this petition be second on the agenda instead of first. He said the second petitioner had been contacted and asked them to go first and yesterday said he would. He remarked that today the Board had received a written request from Lou Pailer the petitioner for that rezoning petition to remove him from the agenda tonight because one of the Commissioners would not be present tonight. He remarked that petitioner had the right to have their case heard before all five Commissioners. He said Mr. Pailer had chosen to take that option and requested removal.

Petitioner stated that he would like to request Petition No. 1072-01 be tabled to the April 26, 2001 Commission meeting.

A lady in the audience questioned the Board on the petitioner just now requesting that this item be tabled. She felt there were several people present to speak on this rezoning who had made an effort to come to the meeting and would now have to leave and come back on April 26th. She felt the request should have been in writing.

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Chairman Dunn replied that the request did not have to be in writing. He commented that the written notice posted regarding Petition No. 1073-01 was received by the Board earlier in the day. He said petitioner had the right to have his case heard before the entire Board and probably did not know until now that the entire Board was not here. He said petitioner had the right to table until April 26th and he would have that right only once.

PETITION NO. 1073-01:

Zoning Administrator Kathy Zeitler read Petition No. 1073-01, Charles L. Pailer, III, and Attorney Douglas Dillard, Agent, request to rezone 5.00 acres from A-R to C-H to develop a Small Commercial Development. She said this property was located in Land Lot 18 of the 6th District and fronted on Redwine Road and S.R. 74 South. She said the Planning Commission recommended denial to C-H, but recommended approval to O-I subject to the recommended conditions (4-0) and staff recommended denial to the C-H, but recommended approval to O-I with conditions.

This item was tabled per the request of Petitioner to the April 26, 2001 Commission meeting.

CONSIDERATION OF THE ADOPTION OF THE IMPACT FEE ORDINANCE, THE CAPITAL IMPROVEMENTS ELEMENT, AND AMENDMENTS TO THE COMMUNITY FACILITIES ELEMENT AND SHORT TERM WORK PROGRAM, PERTAINING TO IMPACT FEES FOR FIRE SERVICES:

Assistant County Attorney Dennis Davenport remarked that the development impact fee for fire services was now at the stage of the second public hearing. He said this was the second of two required public hearings prior to the adoption of an ordinance. He stated two weeks ago a proposed working draft ordinance had been presented in a public hearing forum. He said the information before the Board tonight was separated by a blue divider. He said the information behind the blue divider was the actual development impact ordinance and it reflected changes from the earlier draft that the Board had in its packages two weeks ago. He said the information that was proposing to be deleted was shown in strike through form. He stated the information proposing to be added was shown in an underline form to give the Board some reference point as to what was being proposed in the way of changes.

Attorney Davenport said he had sent this proposed ordinance out to the members of the development impact fee committee. He said he had received various responses from some of the committee members. He said the responses had all been positive as far as the form of the ordinance and everything that was included. He said the process this evening not only involved the development impact fee ordinance but three separate documents that had to be addressed prior to the adoption of the development impact fee ordinance if in fact it was the Board's decision to do that this evening. He said the first document was the capital improvement element. He said this was something that the Board had already seen before and looked at and this was what was sent up to A.R.C. and

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D.C.A. for their approval of the development impact fees as well as the capital facilities element and the short term work program. He said these were documents that were not being presented for the first time. He said the board had seen these in the past, however they had to be officially adopted prior to the adoption of the development fee ordinance. He said the chronological order of events would be for the Board to adopt those three items first. He said that would set the Board up to adopt the development impact fee ordinance and then the ordinance itself just implemented what the Board read in the capital improvements element. He said it puts it in development impact fee form so that it could be assessed on a date certain depending upon the effective date of the ordinance. He said there was a schedule of the various jurisdictions Tyrone, Brooks and Woolsey for their public hearings and for their adoption of their own development impact fee ordinance. He said the schedule before him showed that Brooks would be adopting their development impact fee ordinance no later than April 18th and Woolsey no later than May 14th. He said he had a tentative date from Tyrone of April 4th but he thought that had been moved back to April 19th.

Attorney Davenport remarked that the latest date of any of the three jurisdictions would be May 14th. He felt it would be prudent to have these impact fees affective on the same date. He proposed an affective date of June 1, 2001 so that all jurisdictions would have the impact fee being assessed as of the same date. He said if the Board had any questions as to the actual ordinance itself he would be glad to entertain those. He stated the changes that were made were changes to customize this ordinance to unincorporated Fayette County with an emphasis on the ordinance being used for fire impact fees. He said the ordinance was written to be able to assess any impact fee in the future if in fact others were added in the future if in fact others were added in the future. He said it was just a general frame work of a development impact fee ordinance. He said if the Board had any questions he would be glad to entertain those at this time.

Commissioner Bost asked Attorney Davenport to list the three things that the Board must have before the ordinance itself.

Attorney Davenport replied those would be (1) the capital improvement element, (2) the capital facilities element and (3) short term work program.

Commissioner Frady asked Attorney Davenport if changes had been made in the amount of money that was anticipated to be collected from this.

Attorney Davenport replied that the actual grid for the impact fees themselves was set in place back in December and that was what was approved by the A.R.C. and D.C.A. He said that amount had not changed.

Commissioner Frady questioned the amount that would be received based on last year's homes that were built. He said so far this year there had only been 37 homes in the first two months. He said if the county was going to get \$16,700,000 he felt this needed to be

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looked at. He said the county's growth was constantly going down and that was not a bad thing. He felt the numbers might need to be adjusted to match something more realistic. He said at this rate the county, Tyrone, Woolsey and Brooks must do 1,390 houses each year based on that figure and \$657.

Attorney Davenport said once the ordinance was implemented and there was a track record from which to see how the projections align with the actuals on an annual basis there would be a review process. He said if the projections were too high that would end up in a resulting increase in the next year's impact fee. He said if the projections were too low there would be the opposite affect. He said the county would have to try and work with this on an annual basis to make sure that five years down the road the collections were found to be so far off that they could never get back on track with collections.

Commissioner Frady asked if there were just 500 houses this year and the county was expecting to get a certain number of dollars, would the impact fees have to be adjusted to bring that much money in.

Attorney Davenport said there would have to be an adjustment up because projections were on the high side. He said the target amount would never be reached. He said if 75% to 80% of the target amount the county would be doing very well. He said the numbers would show how much was possible to collect through impact fees but he ask the Board to understand that was just a target amount. He said the county would not be able to get exactly those projections all of the time.

Commissioner Frady asked in order to change the \$657 what would have to occur.

Attorney Davenport replied an annual review would occur of the comparison of projections versus actual figures of building permits. He said the review would produce results of whether or not the county was in line. He said if the county was in line with projections and actuals there should be relatively little change at all and it would just go to the next year. He said if the projections were out of line, there would need to be some changes in not only that year as far as the base line but projecting out into the future. He said that would have a result and change in the impact fee itself. He said he could not tell the Board that it would be a certain percentage but generally speaking if the projections were too high it should cause an increase in the impact fee. He said conversely if projections were too low there should be a decrease in the impact fee. He said he was not talking about substantial increases or substantial decreases because of the twenty year window. He said there would be some fluctuations.

Chairman Dunn remarked that in addition to the housing starts there were also commercial impact fees to include.

Commissioner Bost pointed out that Woolsey was listed for holding its hearing on May 14th. He said if the Commission was to pass the ordinance to be effective on May 15th and

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Woolsey changed its mind and decided that they could have their last hearing prior to May 14th, could the Board come back at a subsequent meeting and change the effective date.

Attorney Davenport remarked that if the Board made the effective date June 1st and circumstances prevailed that it was clear that the date could be earlier, an official act by the Board to change the effective date certainly would be in line. He said he had suggested June 1st because in looking at these time tables and knowing that certain things have to occur and knowing that there has to be at least two weeks between public hearings, he felt that to be the best time table that could be put together.

Commissioner Bost asked if Woolsey was to pass the ordinance on May 14th, was there any reason the county could not start collecting the fee on May 15th.

Attorney Davenport replied there was no reason whatsoever.

Chairman Dunn said his question would be the opposite. He said the county was ahead of the cities on this issue right now. He said the county had already held its first public hearing and none of the municipalities had. He said this was the county's second public hearing and the municipalities had held none and they needed to hold two. He said it was his concern that if the Board passed the ordinance tonight with a June 1st effective date and they did not get it done by June 1st then what would occur. He said there was at least one of the cities who had informed the county that they had some complications with it and he was not sure when they would have it completed.

Attorney Davenport stated that the good thing about having June 1st as the target date was that it would enable the Board to have some forewarning if in fact the other cities could not meet their projected dates. He said this would allow the Board to address that issue if it needed to.

Chairman Dunn remarked if the other municipalities did not meet the time line then the county would have to hold another public hearing and reset the date.

Attorney Davenport said in his opinion the Board would have to bring this back in a public hearing if in fact the county was going to affect that impact fee again. He said if the Board took action tonight and set the date for June 1st, the Board would be taking action to pass the impact fee ordinance in the present form with an effective date of June 1st. He said if there was a collective change of heart between now and June 1st due to circumstances beyond the Board's control, the Board would have to address this again in a public hearing fashion in order to make any changes to the impact fee.

Chairman Dunn asked Attorney Davenport if the Board took care of the three items that were changed and this being the second public hearing could the Board postpone approving the ordinance to another meeting without a public hearing. He said the county

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had held its two public hearings as of tonight. He said he was concerned about getting a date locked in concrete and then the municipalities not get it done in time.

Attorney Davenport remarked that the critical procedural rule that had to be observed was the two public hearings. He said there was nothing preventing the Board from, at the conclusion of the public hearing this evening, taking no action as far as the adoption of the ordinance. He said the county had satisfied the public hearings and the Board could come back at a later date to take action. He said he saw no problem with that. He said, however, if this was the Board's desire he would not consider the C.I.E., the C.F.E. or the short term work program tonight. He said if the Board adopted those then it would be a precursor to adopting the impact fee. He said the Board could not adopt those and then not adopt the impact fee ordinance.

Commissioner Frady asked when the municipalities would be through with their meetings.

Chairman Dunn responded that it appeared that they had enough time but one of the cities had indicated that they were not sure if they were going to meet their first meeting date. He said if they did not it would be problematical.

Commissioner Frady suggested the Board table this item to May 4th. He felt it prudent for the county to go ahead and set this date so that the municipalities would proceed with their meetings.

Commissioner Wells interjected if the Board made any changes in the ordinance, then two new public hearings would have to be held. She expressed concern that the municipalities might bring suggested changes back to the Board.

Attorney Davenport said this was the second of two required public hearings tonight and there would not have to be a third public hearing. He said this was not an exact document that was being adopted in all four jurisdictions. He said it was substantially the same and each jurisdiction had the option to put a development impact fee ordinance in place to their liking consistent with the capital improvements element that everyone has agreed to since last December, 2000. He said a document was being put together for Brooks and Woolsey that was substantially the same as this document. He said the Town of Tyrone had a development impact fee ordinance in place for other impact fees and he believed it was their desire to use a document substantially the same as this development impact fee ordinance. He said this did not do anything for any jurisdiction except for unincorporated Fayette County. He said technically the municipalities could make changes to their ordinance that would have no affect on their ordinance. He asked if it was the Board's desire to complete the public hearing this evening or to continue it to a certain date.

Chairman Dunn said he would like to complete the public hearing and then decide on a date after seeing where the municipalities were on this ordinance.

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Commissioner Bost expressed concern with the date being set so far ahead and the municipalities wanting to wait until the county passed the ordinance.

Chairman Dunn remarked that in that case the Board should just go ahead and do everything tonight and if changes needed to be made they could be made later.

Attorney Davenport pointed out that once the Board adopted the development impact fee ordinance, official action had been taken. He said action would be set in stone. He said if the Board wanted to change anything there would have to have at least one public hearing and probably two more hearings.

Commissioner Wells remarked that this was a public hearing and the public should be allowed to speak.

Chairman Dunn remarked that this was the second required public hearing regarding fire impact fees for the unincorporated county, Tyrone, Woolsey and Brooks. He asked if anyone wished to speak for or against the impact fees or make any comments regarding fire impact fees. There were no comments.

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

Commissioner Bost said he would like to make a motion to table this matter until April 26th. The motion died for lack of a second.

On motion made by Commissioner Frady, seconded by Commissioner Wells to table this item to the May 2, 2001 Commission meeting, discussion followed.

Commissioner Wells said she was comfortable with the extra week.

The motion carried 4-0. Commissioner VanLandingham was absent.

FURTHER DISCUSSION OF CURRENT MARKET STUDY OF THE COUNTY'S PAY AND CLASSIFICATION STANDARDS:

Commissioner Wells said the Board had previously had this study done and when it came time to take action there were significant questions that arose. She felt at this point in time the Board was uncertain enough to where it was hesitant to take any action until another study could be done. She said the prior study was outdated and the Board was not exactly sure of some of the statistics. She said she would like to propose that the Board not act on this matter at the present time in its present form. She suggested another study be performed. She felt until the Board had all of the facts and information it was impossible to make an informed decision and especially one of this magnitude. She said she would like to propose that another study be done of the wage scale. She said she would definitely like to look at three

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areas. She said part of this was based on a conversation that she had with Commissioner VanLandingham and these were reflective of his position too.

Commissioner Wells said she would like to look at the county's salary and wage scale in comparison to the local comparable market to determine that the correct number of personnel were in the right places. She said she would also like to implement a pay scale that was not burdensome but easily measured and implemented. She stated this was in no way to be replacing the C.O.L.A. but was to look at whether or not any type of increases needed to be established in the current ranges of some employees. She said the proposal that had come before the Board would have jumped some employees as much as three steps in the pay scale and was going to look as though it would increase the amount of salary that some individuals could get forever in the future. She said there needed to be something that was scale certain and systematic and not burdensome on the finances of the county. She said it must also be fair and equitable to the employees. She said no one on the Board believed that any employee should be working for less than comparable wages. She said the employees in the county were excellent employees. She said if someone wanted to see how good the Fayette County employees were they needed to go elsewhere. She said the Board wanted to fairly compensate the employees while at the same time make sure that the citizens are not paying too much for the quality.

Commissioner Wells said she would like to make a motion which would be to implement a study and she was open as to what individuals would conduct that study. She said she would like the study to be done by an outside firm that was independent and had no vested interest in the end results.

Commissioner Frady said he would second the motion and suggested that Georgia Tech be used to do the job study. He said Georgia Tech would do this for free and no charge to the county. He said it was made up of senior industrial engineers and a professor. He said he had used them before and they did a very thorough job.

Commissioner Wells said this would help determine if the right number and quality of employees were in the right positions.

Commissioner Frady said the Board would not be getting rid of anyone but it would be worked out some way and attrition would take care of whatever happened. He said he had spoken to Mr. Cofty about this.

Commissioner Wells said one of the things that she felt was extremely exciting and important to know at this point in time was that the county has a very comprehensive evaluation system. She said this was something that was measuring the employees and giving them a standard by which to be evaluated and to know where they are and to know their expectations. She felt one of the most frustrating situations in the environment was to be working without definitive guidelines and expectations. She said she was very excited with the employee evaluation system that was in place. She felt the employee evaluation combined with the study would

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give the Board the means of rewarding the employees equitably. She said she did not want to reward employees who were simply marking a place in time. She said this was not fair to those employees who were working.

Commissioner Frady remarked that there were as many as seventeen steps in a job position. He said he would like it to be determined if that was too many or not enough.

Chairman Dunn interjected that there were actually thirty plus steps in a job position. He felt it was time to have a comprehensive study done. He said the last time a study was done the current evaluation system was not in place nor was there a C.O.L.A. He said there was now a C.O.L.A. in place for all employees and this would have an impact on the rest of the pay aspects of the plan as well. He asked Commissioner Wells to restate her motion.

Commissioner Bost interjected that he felt more research needed to be done to determine what firms were out there who could give the county what was needed. He said he would certainly support moving forward with the study but he did not feel comfortable saying that Georgia Tech was the place to do it.

Commissioner Wells said she felt Mr. Cofty was quite qualified in determining someone who could determine that and she would leave that to his discretion. She said this should not only be from the perspective of not only government but from industry.

Mr. Cofty felt these components could be combined and possibly look to Georgia Tech for one component.

Chairman Dunn said he took this to mean that the study would be done by someone other than the A.R.C.

It was the consensus of the Board that the study would be done by someone other than the A.R.C.

Commissioner Frady suggested the Board give Mr. Cofty the opportunity to look into this and see if Georgia Tech would be able to do this.

Commissioner Wells asked Mr. Cofty to determine who he felt would be the best and submit this to the Board. She suggested that he also write down some definitive factors that he would be asking them to look at and bring this back to the Board. She said she wanted the employees to understand that this was not a put off. She said the Board was going to take action on this. She said in the past she had not really pushed for this to take affect because she did not feel like there was an appropriate evaluation system in place. She said she was not sure what was being measured or rewarded. She said her commitment was that the Board was going to do the study and hopefully before the end of the year this would be implemented.

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Chairman Dunn remarked that Commissioner VanLandingham had asked that this item be placed on the agenda. He said Commissioner VanLandingham did not want to move forward with his original plan because the more he got into it the more complicated he found it to be.

He pointed out that this study had nothing to do with the C.O.L.A. for this coming budget year nor did it have anything to do with merit pay for the coming year. He said employees would still get what they were entitled to. He said this involved changing the entire pay scale and every job in it and this could not be done selectively but must have a comprehensive look. He said the employees did not need to worry that the Board had done something here tonight that would prevent them from getting any kind of pay raise. He asked that Commissioner Wells restate her motion.

On motion made by Commissioner Wells, seconded by Commissioner Frady that the County Administrator Chris Cofty create a draft R.F.P. and identify the individuals the county would use to implement this study and present guidelines to the Board for review and approval. The motion carried 4-0. Commissioner VanLandingham was not present.

DEPARTMENT OF FIRE AND EMERGENCY SERVICES REQUEST TO PROCEED WITH A SEALED BID PROCESS FOR THE ACQUISITION OF TWO REPLACEMENT APPARATUS:

Chief Jack Krakeel remarked that he would like to ask the Board's authorization to proceed with the replacement of two 1982 pumper trucks as part of the scheduled replacement program. He said these actually represented the last two pumpers that were purchased during an era in which services were all volunteer in Fayette County. He said this was really a landmark in terms of the progress that has been made over the last twenty years with respect to the fleet program. He said with this acquisition the oldest apparatus would be 1987 models and really bring the fleet up to an excellent position in terms of emergency response capability from all of the stations.

On motion made by Commissioner Wells, seconded by Commissioner Bost to approve the request of the Department of Fire and Emergency Services to proceed with a sealed bid process for the acquisition of two replacement apparatus, discussion followed.

Chairman Dunn remarked that this was the type of item that he felt could have been handled under the consent agenda, however, by placing it on the agenda it did give him the opportunity to talk a little bit about this program. He said this was part of Chief Krakeel's long term modernization program and capital improvement program for fire services for Fayette County. He said this was not a new request but a request that must be approved at the right times for Chief Krakeel. He said Chief Krakeel has done a great job in capital planning. He said there was a vehicle replacement fund in the county. He said these vehicles were due and it was a pleasure for him to take this program and watch it proceed through the stages. He remarked that part of the stages in the plan were also the new fire stations that would be built very shortly. He said this was a program that Chief Krakeel and his staff had worked on for several years and it was coming to fruition now. He said this was the kind of planning effort that paid big dividends. He congratulated Chief Krakeel for creating the program. He said this made

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it easier for the Board to see what would be coming and this made it easier for the Board to deal with it on that basis. He said the county should not have to purchase any fire engines for a few more years.

Chief Krakeel responded his department would not have to engage in any significant purchase until the year 2007. He said this program actually started in 1984. He said this was one of the first tasks that he was given to Fayette County in 1984 and that was to develop a fleet modernization program. He said while he could only recommend, it takes action on the part of the Board to fund this. He said he appreciated the support that the Commission had given his department.

Commissioner Frady said he agreed with everything that Chairman Dunn had said. He further stated that the Department of Fire and Emergency Services was the only department in the county that has a capital improvements program and goes by it. He said he was looking forward to a time when the county would have one totally and be county-wide.

Chairman Dunn said Chief Krakeel had ensured that the citizens of the county have the most modern equipment and the best trained people showing up at emergencies. He said this helped the citizens and this also helped the employees to have the safest equipment and training. He said he would like to give Chief Krakeel a lot of credit for that and commended him on doing a tremendous job.

The motion carried 4-0. Commissioner VanLandingham was absent.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner Bost to approve the consent agenda as presented. The motion carried 4-0. Commissioner VanLandingham was absent.

STARR'S MILL HIGH SCHOOL CHORUS & BAND - SIGN REQUEST: Approval of request from the Starr's Mill High School Chorus & Band to place a sign on the Old Courthouse lawn on May 1, 2, 3 and 4 for an art auction to be held at the school cafeteria on May 4, 2001.

MALLETT & ASSOCIATES: Approval of recommendation from the Water Committee to authorize Mallett & Associates to do the engineering study and design of the New Hope Road water line and booster pump station.

HEAVEN BOUND PENTECOSTAL FELLOWSHIP CHURCH - HERITAGE PARK REQUEST: Approval of request from the Heaven Bound Pentecostal Fellowship Church to use Heritage Park for their 2001 Outreach Gospel Festival on Saturday, April 21st from 6:00 p.m. to 10:00 p.m.

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CONFEDERATE MEMORIAL DAY OBSERVANCE - SIGN REQUEST: Approval of request from Scott Gilbert, Jr. of General LaFayette McLaws Camp #79 to place a sign at the northwest corner of the old courthouse lawn from April 2nd through April 8th, 2001 to advertise Confederate Memorial Day observance.

CARPETING FOR EXTENSION OFFICE: Approval of recommendation from Director of Maintenance Jim George to award bid to low bidder Fayetteville Carpet and Decorating for new carpeting in Suites 209 and 209A Extension Office in the amount of \$5,694.23.

MAIN STREET'S CALENDAR OF EVENTS: Approval of 2001 Mainstreet's Calendar of Events.

PUBLIC WORKS: Approval of recommendation of the Public Works Director Lee Hearn that low bidders Florida Rock and Hanson Aggregates be awarded bids to furnish rock for Fayette County's use.

WATER SYSTEM: Approval of Water System Director Tony Parrott's request to approve Mallett & Associates to bid meter and water line installations.

WATER SYSTEM: Approval of Water System Director Tony Parrott's request for authorization for the Chairman to execute CB&I's Assumption Agreement relating to the two million gallon water tank at Highway 92 and Lee's Mill Road. A copy of the Agreement, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

WATER SYSTEM: Approval of Water System Director Tony Parrott's request to hold a public meeting on April 16, 2001 at 245 McDonough Road in the Water System conference room from 7:00 p.m. to 8:00 p.m. to discuss the use of Chlorine at the South Fayette Water Treatment Plant and revision of the Risk Management Plan.

SHELL ENERGY APPROVED AS NATURAL GAS MARKETER: Approval of Director of Purchasing Tim Jones' recommendation to approve Shell Energy as the natural gas marketer for all county departments at the fixed rate of \$.69 per therm for the period of April 1, 2001 through March 31, 2002.

MINUTES: Approval of minutes for Board of Commissioners meeting held on March 8, 2001.

PUBLIC COMMENT:

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

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There was no public comment.

STAFF REPORTS:

TRAFFIC SIGNALIZATION PROJECT: Commissioner Bost discussed the traffic signalization project throughout the City of Fayetteville and up S.R. 314. He said the Board had approved participation in December, 2000. He said the Board had been notified that some of the Georgia Power poles needed to be replaced and utility lines adjusted. He said the total cost of the replacement was \$46,297. He said the county had two lights out of the sixteen in the entire series of lights in the project. He said he would like to make a motion stating that the county would pay its proportionate share which was 12.5%.

On motion made by Commissioner Bost, seconded by Chairman Dunn to pay the county's proportionate share of 12.5% of the \$46,297 amount for the replacement, discussion followed.

Commissioner Frady said he had the minutes from the November 9th Commission meeting where a motion was made to approve the signalization proposal as presented for the traffic signal at New Hope and S.R. 314. He said the motion was to approve the signalization proposal as presented showing \$32,754 for the traffic signal at New Hope Road and Highway 314 and approximately \$15,000 for labor and equipment (county personnel) to build the turn lane at New Hope Road; for the county to pay \$11,900 toward the study and programming of the original 14 traffic lights that have already been connected by cable within the City of Fayetteville; and that the county would pay \$6,468 to add the traffic signals on Highway 314 at the Pavilion and at New Hope Road to the study, cabling and programming of the rest of the signal system in Fayetteville for a total of \$66,122.

Commissioner Frady said that Commissioner Wells had asked if this meant the county would be paying that dollar figure for those projects. He said Chairman Bost stated that the county would split 50/50 for the study and programming of the specific dollar amount of \$11,900 for the traffic light at New Hope for the cabling, study and programming. He said if the county agreed on 50/50 and then some bad poles came into the picture that they did not know about he felt it only fair that the county continue 50/50.

Commissioner Bost said there were some part of this that were 50/50, however, the county ended up paying more than 50/50 and out of the total presentation of all of the items with \$66,122. He said the City of Fayetteville was only \$48,728. He said he did not see the programming and study being 50/50. He said this was the reason he made the motion to participate in a proportionate basis based on the fact that the county has two lights out of a total of sixteen lights.

Commissioner Frady said he would like to do what was fair and he felt 50/50 was the fair thing to do.

Commissioner Wells said there had been quite a bit of discussion on this. She said it first came up in February, 2000 and the figure that the county was going to pay changed significantly when it came to the Board in November, 2000. She said part of the discussion that the Board had on November 9th was that she had trouble with the Board entering into any type of agreement because it never failed that the Board would agree to one figure and then there would be some unforeseen unexpected something that would come up and the county would then end up paying more than agreed. She said the Board had a long lengthy discussion about this and she proposed that it was not going to cost the county anymore to handle its portion of it. She said if the county merged with the City of Fayetteville it would cost the county approximately \$2,000 more. She said one of the things that she had reiterated over and over again was that there were many times when the county agreed to pay and the figure was not fixed. She said one of the things that Chairman Bost at that time said was that the Board would agree to pay a certain amount of money and regardless of what else happened or transpired the county's portion on this particular project was going to be \$66,122. She said she adamantly opposed the county paying anymore. She said this was something that happens over and over again. She said the county would agree to one figure and then all of a sudden that figure had grown. She said it was like the goose laying the golden egg but the golden eggs were not laid on this side of the county. She said the Board had been very specific and stated that this was a certain dollar amount and regardless of what came up the county would not pay anymore on this project.

Commissioner Frady said he did not recall saying that anything came up but he recalled there was a projected cost for this project. He said if something unforeseen came by, he said he would have to question whether or not he would go on and pay for that at the same time, but he felt he probably would have. He felt he had some responsibility to this. He said these poles could not stand the weight that was put on them.

Commissioner Wells asked what kind of person evaluates this project and their skill level does not ascertain that these fiber optics would require a much sturdier pole. She that issue was never addressed and over \$50,000 was spent and they just failed to take that into account. She said she did not feel that the county was responsible for recouping those particular costs especially since this dollar amount was very specific.

Chairman Dunn said he recalled the discussion. He said in fairness he would like to state that apparently whoever the consultant was that the City of Fayetteville hired did not do a complete job. He said the bottom line was now that the county owned two of these poles with signalization lights and they need to be synchronized among the sixteen sets of lights otherwise there would not be good traffic movement in that area. He said the Board had agreed in the past to do 50/50 on certain aspects of this study and they did too. He said he had seconded Commissioner Bost's motion because he felt the county had two of the sixteen lights and he would like to see them properly synchronized with the others. He said he would be willing to pay a prorata share for the lights that the county has. He said he disagreed with

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Commissioner Frady in that he did not want to pay for eight lights when the county only owns two. He said he could support the motion.

The motion failed with Commissioner Frady and Commissioner Wells voting in opposition.

Chairman Dunn said he would be his understanding from the motion that the county would not be paying anything.

Commissioner Frady said he would like to make a motion that the county participate in this project and pay the fair share of the project. His motion died for a lack of a second.

Chairman Dunn said it was still his understanding that the Board had decided not to pay anything further on this project.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss two real estate matters and four legal items.

EXECUTIVE SESSION: On motion made by Commissioner Frady, seconded by Commissioner Wells to adjourn to executive session to discuss two real estate matters and four legal items. The motion carried 4-0. Commissioner VanLandingham was absent.

LEGAL: Attorney McNally briefed the Board on a legal matter.

On motion made by Commissioner Bost, seconded by Commissioner Wells that the Board notify the opposing party of the county's position not to concur with them and further, to proceed with actions to ensure adequate service to the county's citizens.

LEGAL: Attorney McNally updated the Board on a legal matter.

On motion made by Commissioner Bost, seconded by Commissioner Wells that a specified individual be notified of the Board's wishes regarding a worker's compensation matter. The motion carried 4-0. Commissioner VanLandingham was not present.

REAL ESTATE: Attorney McNally briefed the Board on a real estate matter.

The Board took no action on this matter.

LEGAL: Attorney McNally briefed the Board on a legal matter.

On motion made by Commissioner Bost, seconded by Commissioner Frady authorizing Attorney McNally to proceed with litigation. The motion carried 4-0. Commissioner VanLandingham was absent.

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REAL ESTATE: Attorney McNally discussed a real estate matter with the Board.

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

LEGAL: Attorney McNally updated the Board on a legal matter.

On motion made by Commissioner Bost, seconded by Commissioner Wells that the Board should proceed in this matter, discussion followed.

Commissioner Wells exited the meeting at 8:50 p.m.

The motion carried 3-0. Commissioner VanLandingham and Commissioner Wells were not present for the vote.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Bost, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that two items of real estate and four legal matters were discussed. The motion carried 3-0. Commissioner VanLandingham and Commissioner Wells were absent. A copy of the Executive Session Affidavit, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 9:00 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 4th day of April, 2001.

Karen Morley, Chief Deputy Clerk