

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, September 12, 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
Herb Frady
Peter Pfeifer
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.

CHIEF JACK KRAKEEL RECOGNIZED AS CHIEF FIRE OFFICER:

The Board recognized Chief Jack Krakeel for his designation as a Chief Fire Officer.

Chairman Dunn commended Chief Krakeel for the outstanding job that he has done over the years for the citizens of Fayette County. He said the Board had received a recognition from the International Fire Chiefs Association. He stated there was a program for the designation of Chief Fire Officer with the International Chiefs that was started in 1993. He said for all of the Fire Chiefs in the Country this program was designed to take the Fire Chiefs throughout the Nation and select those who were the best performing and most qualified Fire Chiefs in the County and to specifically designate them as Chief Fire Officer. He said these Chiefs were among the best performers in the professional field that they were a part of. He said there were tests involved, performance, education, public awareness, community activities involved and so forth that a person would have to go through to get this designation. He said Board of Commissioners was very proud that Fayette County's Fire Chief once again designated with a National honor. He remarked that in the history of this program, only 64 people had been so designated.

Chairman Dunn said the Commission on Chief Fire Officer Designation had conferred upon Jack Krakeel designated on August 21, 2002 the designation of Chief Fire Officer for demonstrating a high level of competence, as witnessed by his peers, by documenting professional, educational, technical, and community service achievements and fulfilling prescribed standards of performance, ethics, and conduct required for CFO.

Chairman Dunn said the Board as well as the citizens of Fayette County were very proud of this accomplishment and one more of Chief Krakeel's many honors.

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Chief Krakeel remarked that approximately three years ago he had established this recognition as a career goal for his two Deputy Chiefs. He said after doing that, he did not think it was fair to them that he should not challenge himself to this same task. He said the deputy chiefs had completed the process and their credentials were currently being reviewed. He said he fully anticipated that these deputy chiefs would be recognized likewise in the very near future. He remarked that he was really proud of all of the work that they had done toward this achievement.

DISCUSSION OF SPACE FOR THE FAYETTE SAMARITANS:

Commissioner Wells remarked that she had requested this item to be placed on the agenda. She said she was sure that everyone was familiar with the good deeds that the Fayette Samaritans do. She said citizens had been reading in the newspaper for the last year that they had been trying to find a location out of which to work. She said one of the builders had been kind enough to provide them with free space for the last year. She said their time there was running out very quickly. She said she had mentioned this to Chairman Dunn the other day who told her that this was a departure from her stance. She said it was in many regards and yet in many regards it was not. She said she was very careful about what non-profit organizations she seeks county funding for. She said Fayette Samaritans was a unique organization that provided a great deal of service for the community and that there was a definite benefit for the government and our community as a whole for Fayette Samaritans to function.

Commissioner Wells further remarked that Fayette Samaritans was a non-profit organization that was originally created to help the citizens of Fayette County on a one time need basis. She said if someone needed a one time help with their mortgage, needed food, or assistance with medication bills or utilities. She said it was to prevent people from getting to the point where they would be homeless and would have to get into the social system such as D.F.C.S. and things of that nature. She said this organization had a client file of 3,589 clients that they had helped since the beginning of 1992. She said half way through the year 2000 they had already worked with 585 clients that they had seen. She said they helped these clients with food in and out and some monetary donations. She said in half of the year 2001 they had given out \$71,465 worth of foods, \$129,600 for monetary donations and they had taken in \$127,000. She said their administrative expenses were only \$385. She said this was an organization that was primarily run and maintained by volunteers. She said people must be Fayette County citizens in order to access this service. She said the Fayette Samaritans needed a space of approximately 3,000 square feet in order to continue working. She felt this would be a great hardship on this community if something of this nature went away because there would not be the safety net in place for those people who have a momentary shortfall. She said this could be people who were laid off or just have a temporary problem that could be alleviated and prevented from going into financial hardship and possibly losing their homes.

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Commissioner Wells said she had called around and checked on some available spaces. She said she had ascertained that the Fayette Samaritans could get a space for approximately \$25,000 per year. She said the county was already providing money to the Fayette Senior Services of approximately \$200,000. She said the county was also providing money to the Fayette Youth Home in the amount of approximately \$27,000 and also give money to the Battered Women in the amount of \$10,000 per year. She said in the past the county had provided locations for Visiting Nurses Association. She said currently the county had some space for Children At Risk and this space was currently being provided by the county. She said she did not feel that this would be a huge departure for the county. She felt the social implications were of a tremendous benefit to the county and she asked the Board to consider this. She said she would like to see the county at least provide the money not to exceed \$29,000 per year for a rental space for this organization.

Commissioner VanLandingham said he would like to make a motion to approve this request.

Commissioner Wells remarked that this was the first time that this had been brought up and she was just bringing this to the Board for consideration.

Commissioner Frady interjected that the county had a building in Brooks which consisted of approximately 4,000 square feet that was available. He said if the Fayette Samaritans needed a temporary place this might work.

Commissioner Wells replied that the space they needed would not be temporary. She said she recalled the county allowing the school to use that particular location in Brooks.

Chairman Dunn interjected no, that location was in Woolsey.

Chris Cofty remarked that the county was currently storing equipment down there to maintain the fields and park in Brooks so that they did not have to transport equipment from the McDonough Road site. He said in the past the county had allowed a booster club from Starr's Mill to use the building in order to construct some lockers and so forth.

Commissioner Wells said she had asked Mr. Cofty to look around and see if the county had any space that was not being used. She said Mr. Cofty was unable to find anything of the size that was necessary for this particular organization.

Commissioner VanLandingham asked if anyone had seconded his motion.

Commissioner Wells said she would second the motion for further discussion.

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Commissioner Pfeifer said he was certainly aware of the tremendous benefit that the organization provided the county. He said he was uncomfortable with giving them cash. He said from what he had read, the problem that the Fayette Samaritans had was that they believed that the monies contributed to them had to go directly to recipients and this was the reason they did not have to rent a space themselves. He said he was also informed that this was an interpretation of a clause in their bylaws that they themselves had made and this may not necessarily be the correct interpretation. He said those individuals who support the Fayette Samaritans may be willing to go along with re-interpreting that clause and therefore using the contributions to raise the money.

Commissioner Wells remarked that she was not familiar with that interpretation. She said the Fayette Samaritans had been asking for a year. She felt if it was a matter of re-interpretation of their bylaws that someone would have gotten creative. She called attention to the fact that the money that the Fayette Samaritans had brought in and the monetary donations that they received in the year 2001 was in the amount of \$129,000 and they gave out \$127,000. She said it was one of those situations if they paid the money for a facility, they would not be able to provide the needs for the people that they have.

Commissioner Pfeifer interjected that unless they asked for more support, he was not certain that the support would not be forthcoming.

Commissioner Wells said she was surprised that this had not already materialized and this was one of the reasons that she had waited as long as she did to bring it up. She said she kept waiting for the community to provide that support.

Chairman Dunn asked Commissioner Wells if anyone was present representing the Fayette Samaritans.

Commissioner Wells stated that she had not asked anyone from the organization to be present. She said she just wanted the Board to discuss this issue and she did not want to get their hopes up. She said the Board was sent a packet of information last year that was distributed to the members. She stated this was something that had been languishing for a good year.

Chairman Dunn stated that he also had some concerns. He said there was no doubt of the good work that was done by the Fayette Samaritans. He said it was his understanding of their organization that their Board of Directors consisted of representatives from approximately a dozen of the churches in Fayette County. He asked if that was correct.

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Commissioner Wells replied yes and stated that some of the representatives were representatives of churches.

Chairman Dunn said he understood that all of the representatives of that Board were from churches. He said he understood this organization to be a faith based initiative where the churches contributed money to the Samaritans to distribute food, clothing, money and so forth.

Commissioner Wells interjected that other civic organizations also did this. She said the churches donate money to the senior services and they provide a big part of their support sometimes. She said churches donate to the Fayette Youth Home, Battered Women and this was not unusual. She said Fayette Samaritans was a non-profit, non-denominational and non-religious organization.

Chairman Dunn interjected that the churches were on their Board of Directors and he believed they directed the activities of the Fayette Samaritans.

Commissioner Wells said she did not believe so.

Chairman Dunn stated that this was his understanding. He said he had looked into this and read the articles in the newspaper recently. He said the concern that he had among others was the separation of Church and State if in fact that this was a church run program. He said his second concern was that the other non-profits that the County supports for example in the Senior Center the County provides certain money and the County has a contract with them as to how that money would be spent and what it would be spent for. He said the County contracts with the Friday House for what otherwise would be a County responsibility. He said the County contracts with a private organization to perform it for the County. He stated that this situation was something different. He said he was not saying that he was for or against this idea but he was just saying that he was not prepared tonight without doing a lot more research to figure out the specifics of the program. He said he was aware that Fayette County's program was designed after the program in Clayton County. He said the program in Clayton County did not receive any funding from the county but received it from churches and donations. He said they have some people in Clayton County who have donated the office space for them to perform their job and continue to do so. He said he had these concerns because there were so many non-profits that do great work in Fayette County. He said it was very difficult to decide how to spend taxpayers' money fairly with all of the different agencies around the county. He suggested tabling this item to the next Commission meeting so that more research could be done and consideration be given to some of the legal ramifications if the County did in fact get involved and if indeed this was a faith based program. He felt the County could have some difficulties there. He said he did not want to see the Fayette Samaritans go away because they provided a service to Fayette County that was

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extraordinary. He said the Fayette Samaritans had some of the most dedicated volunteers that one could find anywhere. He said they probably spend less money in administration than any other non-profit organization on the planet. He said with all of those good things being said, he felt the County would have to make very sure of where it stood and very sure that the Board would oblige the County in some way it should not.

Commissioner Frady said his perception of this was that the Fayette Samaritans had asked if the County had any space that they could use until they could get a permanent space. He said this was the only thought that he had in his mind and not to provide Fayette Samaritans \$25,000 for a space but to provide them space. He said the building that he suggested consisted of approximately 4,000 square feet, had a kitchen and also had an upstairs. He said he would like to take a good look at that building to see if this building would be something useful for them. He said he certainly wanted to help them in any way that he could.

Chris Cofty interjected that the building in question was approximately 5,000 square feet. He said if the County used the building then the equipment would have to be moved. He said the equipment was being stored there to try and create a level of efficiency to keep county crews from having to transport equipment from the McDonough Road site.

Chairman Dunn said he recalled the building was not in very good condition. He said the building was good for a storage facility for tractors and lawnmowers. He said the building used to be the old fire house.

Commissioner Frady said it would be a temporary space for the Fayette Samaritans and that was what he was thinking.

Chairman Dunn said he would have the same problem in giving County owned property to the Samaritans for their use without checking some of the legal aspects.

Commissioner VanLandingham said he was not that concerned about the Church and State issue here because all forms of government supported things that have people on their board of directors or deacons in churches, or preachers in churches. He felt for the Commissioners to start drawing a line and to try and get that politically correct would cause the Commission to find itself in a position not to be able to help anyone. He said it was his understanding that the Fayette Samaritans had moved around a lot. He said they needed a permanent place that they can work out of and an adequate facility to use. He stated he had no problem in stopping the ills of society in this area because if it was not done here they would be caught somewhere else and spend a lot more than money on them later. He said if they were not clothed and fed, they would be sick and that would come out of the health indigent fund. He felt an organization that could put out this much help with this little overhead was commendable to him. He said by the County looking to the Fayette Samaritans and asking them to change their whole setup,

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then they were losing that ability to help the people that this money was given for. He felt the possibility of the Fayette Samaritans changing their bylaws to pay the rent would dry up their money and also discourage others from donating to it who were doing this because of their proficient way of doing business. He said he would vote on this issue tonight if it was the Board's desire.

Commissioner Pfeifer said one of the concerns that he had regarding the Church and State issue was not entanglement on the County's part but what the best way would be to approach this issue. He said he would not want the Fayette Samaritans to obligate themselves to have to alter something in what was a successful program because they were getting government funding. He said that might not happen this year or next year but a future Board might feel that this needed to be changed because the organization was receiving public funding. He said this had happened with a lot of organizations in the past and he wanted to make sure that it did not happen here.

Commissioner Wells said this had accomplished what she wanted it to do tonight. She said this was brought out to the Board for consideration and exploration. She felt this puts the Board on the track of agreeing to try and find a solution. She said if the County could not provide this then maybe by getting enough media attention, something might be done. She said this was something that had been going on for an extended period of time. She said this was an organization that the County would not want to go away. She said the Board needed to address this issue and facilitate some type of service for these people.

Commissioner Frady felt the County would not be able to commit to more than one year because the next Board could do away with it if they wanted to. He said he would not want the Fayette Samaritans to get in a position where they depended on the County for that. He said he would like to help the Fayette Samaritans get started so that they could look for a permanent place. He said he certainly would not want them out on the street. He said he thought the space in Brooks might work out for them and would serve their needs until they could find a permanent location.

Chairman Dunn said this discussion would certainly shine a little light on the problem. He said even though Fayette County was known as "the richest county in the State of Georgia" because of its per capital income and the cost of Fayette County housing, there were poor people in Fayette County and people who temporarily need aid. He said this organization was probably the premier organization that provides it. He said there was no doubt that what the Fayette Samaritans did was a great job. He said if the Board determined that government was not the proper person to do this, at least the problem could be set out by the media so that citizens across the county know that this was an organization that did great work that needs help. He said he felt that many times the government was the place that should get involved in this rather than the first place. He said the Samaritans had help in the past but they did not have it now. He said the Board needed to try and get them help and he would

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personally be trying to do that. He said he could not vote on this issue tonight without knowing some of the legal ramifications. He said he understood that the entire Fayette Samaritans Board consisted of clergymen and made up of 12 or 13 churches in the county that provide the money. He said there were two individuals from each church who were involved that were on the Fayette Samaritans Board. He said if this was the case, then it could be determined that this was totally a faith based operation as far as funding.

Commissioner Frady asked if this group was a church. He said the answer was no and it was immaterial to him who sat on their Board of Directors.

Commissioner Wells interjected that faith based was important if they put some type of religious requirements on people to get assistance. She said they do not do this and she knew this for a fact. She said when he worked with Battered Women, their clients used the Fayette Samaritans on a very regular basis and they were non-discriminatory in every way except the person had to be a Fayette County citizen and had to be able to show a need. She said the majority of the people who come in to the Fayette Samaritans to ask for help have a need but they are not poor people. She said people get laid off from jobs, get downsized, have an unexpected illness and a number of things happen. She said this was a place where those citizens could go to get some temporary assistance so that they do not get forced out of their homes and do not lose everything that they have worked hard to do. She said she did not want the Board to say that this was a "poor people's organization" because it certainly was not. She said anyone in this room might have to take advantage of this organization. She said she wanted the citizens to know and the newspapers to know was that for as little as \$25,000 a year this organization could have a permanent place to be working out of. She said the benefit in society far outweighed the little bit of cost. She said she was aware of some vacant offices that had been sitting vacant for over a year and a half that were the square footage that was necessary and some kind and benevolent soul out there could easily write that off of their taxes if they donated it to the use of a non-profit organization. She said whether the needs were met by the county or were facilitated by the county, the Board would be greatly derelict if it did not do a big push for finding a space for this organization to work out of.

Commissioner Frady said if the Board could not find the Fayette Samaritans a place, he would help them until they could find one.

Commissioner Wells said she would like to withdraw her second to the motion.

Commissioner VanLandingham said he would withdraw his motion.

It was the consensus of the Board to table this matter to the September 26, 2002 Commission meeting.

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DISCUSSION BY MAJOR BRUCE JORDAN OF THE SHERIFF'S DEPARTMENT REGARDING PURCHASE OF A NEW HELICOPTER:

Major Bruce Jordan remarked that for the last several years he had discussed with Sheriff Johnson what he felt was the eventuality of the Sheriff's Department getting into law enforcement aviation. He remarked that traffic congestion on the northern end of the county was slowing response times to violent crimes. He said if the Sheriff's Department did not have a vehicle in the area of the crime, the response times had been slowed tremendously by the increase in traffic signals and traffic on the northern end. He said recent events had sped up the Sheriff's Department time line on its intentions. He said in the last six months there had been three high speed chases end in crashes. He stated two of these chases ended in fatalities and one resulted in the injury of a Spalding County Deputy Sheriff. He said it was that event that caused the Sheriff to ask him to search for an affordable helicopter for Fayette County. He said the Sheriff's Department was lucky enough to find out that the New Hampshire State Patrol had recently received a grant and purchased a new \$1.6 million helicopter. He said they were in possession of a helicopter that had been given to them by the military that was in excellent condition. He said the New Hampshire State Patrol had recently spent a great deal of money refurbishing the helicopter. He said several agencies had sent people to New Hampshire to examine the helicopter but the Sheriff's Department was the only one who had the foresight to send a deposit with the person. He said the Department had sent Sergeant Russ Gillespie. He said Russ was a fifteen year veteran of the Fayette County Sheriff's Department and had a degree in aviation science, was an AP mechanic and also a licensed helicopter pilot. He remarked that several other agencies wanted the helicopter as well but those agencies did not have money in their hand and were going to have to go back to Boards such as the Commission and get approval for funds. He said the Sheriff's Department had the luxury of being in possession of sufficient drug seizure funds to purchase the helicopter.

Major Jordan said he had gone into detail so that the Board would understand why the Sheriff's Department purchased the helicopter and then came to the Board. He said this was a situation where they had found an excellent helicopter at an affordable price. He said if they had not moved immediately on this, the Sheriff's Department would not have gotten it. He said he was also confident that if the Sheriff's Department dropped this aviation program, it could turn around tomorrow and sell it for what the Department had in it.

Major Jordan remarked the Department had designated the helicopter as "Hawk One" for the purposes of radio traffic. He said the helicopter was in excellent condition and he suspected that this was refurbished to fly the Governor around in New Hampshire. He said the Department had currently hired a chief pilot on a part time basis because he was not available on a full time basis. He said the pilot had inspected the log sheets and was confident that the component times were satisfactory on this helicopter. He said the Department had purchased the helicopter approximately three weeks ago and Les and the chief pilot flew it back from

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New Hampshire. He said the Sheriff's Department insured the helicopter before it was flown back.

Major Jordan further remarked that this was a five seat helicopter, however, the Department received a 25% savings in the insurance by agreeing to remove the middle seat belt in the back. He said they were only insured to fly four people and in fact only expected to fly two. He said the Board had been presented with what was not their entire chase policy but it was going to be the proposed policy now when the helicopter goes into service. A copy of the policy, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. He said the changes were noted in red print. He said in the packets he had already presented to the Board contained a study from the Department of Justice in 1998 that concluded that one of the safest ways to slow a high speed pursuit was to place an observation helicopter over the pursuit and slow the marked ground units down. A copy of the information, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. He said the study concluded that when this occurred and the push was removed from the chase, most often the perpetrators also slowed their speeds. He said they did not stop but they did slow their speeds. He said the policy would be that the observation helicopter would take over observation of the chase and the ground units would no longer feel compelled to stay in sight of the chase and allow the helicopter to stay with the chase. He said the study showed that most times if it was a stay in car pursuit, which a lot of the counties are, when they lose the sight of the patrol cars they gain the confidence to abandon the vehicle and flea on foot. He said the helicopter would then be there to maintain observation of the suspect until the ground units could re-engage. He said he was not going to stand before the Board and say that this was the only thing that the Sheriff's Department was going to use the helicopter for. He said another use the Sheriff's Department would have would be to fly the county for marijuana eradication. He said he was not sure why but the State had stopped doing that. He said Fayette County had not been flown in the last two years except for some flying that he had done personally on his own and on his own time. He said the helicopter would also be used for certain types of surveillance and used by the drug squad. He said it would be used for holiday patrols in the northern end of the county or any other part of the county where there might be burglaries. He remarked that an observation helicopter was very effective if there was an area that was being hit by burglaries and a 500 foot flight was done over that area it was very intimidating for suspects. He said for all of those reasons the Sheriff had decided to bring the age of aviation into law enforcement.

Major Jordan further remarked that he was before the Board tonight to ask for the Board's consideration in committing to helping the Sheriff's Department to operate the aircraft. He said the Sheriff's Department would pay for any major maintenance that needed to be done to the helicopter such as an engine rebuild, a tail rotor, or a main rotor with drug seizure money. He said the Sheriff's Department wanted the bulk of this operation to take place without expense to the taxpayers. He said the Sheriff's Department also intended to use existing positions such as Sergeant Gillespie who would be transferred to be the full time

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observer. He said when the chief pilot was hired full time, he would be hired using an existing deputy's position that was open. He said there would be a request for a slight increase in his pay because of the experience of the person that was being hired. He said the more experience the pilot had, the better deal that would be gotten on the insurance in these type of situations in aviation. He stated the Sheriff's Department had a very experienced pilot that had committed to come on board with the Sheriff's Department. He said until the pilot comes on board, he would fly part time for Fayette County and a former Clayton County pilot, who was now a National Guard instructor in helicopters, would fly part time to have this in service until their chief pilot could come on board full time.

Major Jordan further remarked that the funding the Sheriff's Department was asking for were the routine ongoing expenses of fuel, routine inspections and the insurance. He said should the routine inspections reveal that major maintenance was needed, the major maintenance would be paid for with drug seizure funds. He said it looked better in the Sheriff's Department's Federal Audit if drug seizure money was not used for routine ongoing expenses. He said they were alright with one time expenditures such as an engine rebuild or engine replacement but it would look better from the Sheriff's Department's audit if the Board would agree to fund just the routine expenses of fuel, oil and inspections. He said the amount being requested was the equivalent and approximately equal to two patrol cars. He remarked the Airborne Law Enforcement Association, which he was a member of, equates the use of a helicopter to fifteen patrol cars. He said he would give the Board an elementary explanation as to how they came to those figures. He remarked if there was a man hunt with a suspect running through a field it would take fifteen deputies or patrol cars around that field to provide the same observation that a helicopter could get in the air and what could be seen. He said they equate that to not just man hunts but to chases and to responses for calls in service. He said this helicopter would allow the Sheriff's Department to get observation over the bank and other businesses on the northern end of the county in just two or three minutes where robberies have been experienced.

Major Jordan further remarked that the Sheriff's Department was asking, since this year was already half over, that the County would fund this to the equivalent of only one patrol car for the remainder of this year and in the following years the equivalent of two patrol cars which the Department has rounded off to be \$50,000. He said the policy that he had provided to the Board earlier was to provide the Board with the proposed changes to that policy. He said the Traffic Division was the entity that was recommending the chase policy changes. He said these were only proposed changes and have not been approved. He said these changes would have to be voted on by all of the majors in the Sheriff's Department. He remarked these were the proposed changes as to how the chase policy would be changed once the helicopter was in service. He said he would be glad to answer any questions that the Board might have.

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Commissioner VanLandingham clarified that Major Jordan had stated that the helicopter would be used by the drug squad. He asked if this was the county drug squad or the metro squad.

Major Jordan replied it was the county drug squad.

Commissioner VanLandingham commented on the slot equating to a deputy's pay and the Department hiring a pilot. He asked what the increase would be in that slot.

Major Jordan replied that it would depend on what was approved. He said the Department had submitted the job descriptions to the N.G.T. along with pay scales of Clayton County and the State of Georgia's pay scales. He said Clayton County's pay scales started at \$49,000 but the Sheriff's Department had reduced it to \$44,000 in the request. He said the Department would be requesting to start the chief pilot out at \$44,000 per year. He said a deputy would start out at approximately \$30,000. He said the Department would not be asking for the difference in funding. He said this would be funded through attrition and openings at the Sheriff's Department that had not been filled. He said the Department would use its existing budget for the personnel expenses.

Commissioner VanLandingham asked how many hours each day would the helicopter be used.

Major Jordan responded that the Department would start out on ten hour shifts and five days per week. He said the Department was doing some studies now to determine when the chases most often occur. He stated the helicopter would also be scheduled during times when it was felt most burglaries occur.

Commissioner VanLandingham asked for the cost per hour to operate a helicopter.

Major Jordan replied this would depend on the helicopter. He said he could give the Board the cost of the fuel. He said if a helicopter burned 20 gallons to 40 gallons of fuel per hour for flying of approximately two hours per day. He said currently the Department was paying \$3.00 per gallon for fuel but had applied for a government add gas card that would cut the cost of fuel in half. He said it was his understanding that the Department would be approved for that but did not have it yet.

Commissioner Frady asked for clarification on the cost currently per gallon for fuel.

A Sheriff's Department representative replied that it currently cost \$3.50 per gallon.

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Commissioner Frady remarked he had checked on fuel prices for jet fuel today and it was \$2.22 plus tax but the Department would not have to pay the tax. He said this was at Falcon Field in Peachtree City.

Major Jordan remarked the reason the helicopter was currently in Newnan was because the Department of Corrections was providing the Sheriff's Department with a free hanger. He said they also had a full time mechanic on board.

Commissioner Frady further remarked if the Department placed an order for 10,000 gallons the cost would be \$1.52.

Major Jordan remarked that the Department had been told that would be the approximate cost of the fuel when the government gas card was received.

Commissioner Frady asked why the Sheriff's Department was not using Falcon Field now.

Major Jordan responded if the Department could get the cost of fuel at \$2.22 at Falcon Field then they would definitely go to Falcon until they get their gas card.

Commissioner Frady stated that it would cost approximately \$450 per hour to operate that helicopter and that did not include the pilot.

Major Jordan asked Commissioner Frady where he had obtained those figures.

Commissioner Frady replied from the gentleman who operates the helicopters. He said his name was Mike Brady. He said Mr. Brady had an OH6 that cost that much and Mr. Brady also stated that the UH58 cost approximately the same thing.

Major Jordan remarked that this would depend on the helicopter. He said if the helicopter had good component times and there were no major malfunctions to the component times, the hourly cost was not near that.

Commissioner Frady remarked the hourly cost would have to be used in order to get the money in the bank in order to pay for the hot sections when there were overhauls.

Major Jordan clarified again that the Sheriff's Department did not intend to have the Board of Commissioners pay for anything that might have been caused from a hot start. He said a hot start would require a rebuild of an engine and the Sheriff's Department would pay for that out of the drug seizure money. He said helicopters were an expensive proposition but the Department wanted the Board to know that the Sheriff's Department would be taking the bulk of the cost for the helicopter in drug seizure money. He said if at any time the drug seizure money could not handle this, then the Sheriff's Department would no longer be in the aviation

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business. He said he had stood before the Commission twelve years ago and ask permission to start a drug squad. He said all he had asked of that Commission was the personnel money to pay the people. He stated for the last twelve years he had operated a drug squad where the Sheriff's Department had paid \$25,000 to \$30,000 per year in office space, purchased their vehicles, paid for their weapons and paid for their high tech surveillance equipment solely by the use of drug seizure money. He said this had been a very effective squad. He said as long as they were effective the Sheriff's Department would operate this helicopter and the only thing that it would cost the county would be two patrol cars each year. He said if this stops being effective or the Department can no longer do it then the Department would not longer be in the aviation business.

Commissioner Frady clarified that the helicopter would burn approximately 25 gallons of fuel per hour.

Major Jordan responded it would burn approximately 20 gallons of fuel per hour.

Commissioner VanLandingham asked if the helicopter would be based in Coweta County at a hanger there.

Major Jordan responded that the helicopter was currently based there. He said he had already had a conversation with Councilwoman Annie McMenam in of Peachtree City who was attempting to acquire the Sheriff's Department free hanger space at Falcon Field at least during the day. He said during the day the helicopter would come to Fayette County and when it was not patrolling it would be on standby here in the county. He said it would probably be at Falcon Field unless the Department found a better location.

Commissioner Frady asked Major Jordan if the helicopter had been purchased approximately three weeks ago.

Major Jordan replied yes.

Commissioner Frady said he did not find out about this until Friday.

Commissioner Wells said she had ready read about it in today's newspaper.

Major Jordan remarked that he had sent the Board's packets over at least a week ago but he did not know when the Board would be given the packets.

Commissioner Frady said he felt the Board needed a little more notice on something like this so more thought could be given to it.

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Chairman Dunn felt the point that was being made was the fact that the Sheriff's Department purchased the helicopter before speaking to the Commission.

Major Jordan remarked this was the reason he opened his presentation with the fact as to why they had purchased the helicopter before speaking with the Commission. He said the Sheriff did not want this deal to get away on this particular helicopter. He said the Sheriff's Department had already purchased the helicopter and if the Board did not support the program and did not help maintain it then the Department would just have to try and do it on its own.

Commissioner Wells said she had a couple of comments. She clarified that Major Jordan had stated that this would only cost the county the equivalent of two patrol cars per year. She said it was a fact that the salary would go up almost double of what the Board had already funded for an entry level person. She said she assumed at budget time this next year, the county would be absorbing the entire \$44,000 and this would be added to the \$50,000 cost that was being looked at in a conservative fashion. She said in addition, it was stated that since the year was already half over it would only cost half that much. She pointed out that the fiscal year was not half way over. She said the Board had just finished this year's budget on July 1, 2002. She said this involved almost an entire fiscal year. She said this happens on a fairly regular basis that as soon as the budget was approved then within one or two months departments come to the Board asking for a considerable amount of money. She said this always causes her a great deal of concern. She said the county's fiscal year begins on July 1st and ends on June 30th. She said the Board tries to be as clear as it possibly can that it really did not like these types of surprises.

Commissioner Wells further remarked that the biggest part that concerned her was when the Board had reviewed the budget for this year. She recalled the Sheriff's Department asking for fifteen additional employees. She said the Board was lobbied very hard and long about the need for these individuals and that it was of primary importance that the county provide those employees for the Sheriff's Department. She said now the Board was being told that this pilot was going to be hired and the observer was going to be paid for "using existing positions currently within our budget". She questioned which people were not being funded and what projects were not being funded that the Board was lobbied so hard for when the budget was discussed. She said the Board tries very hard to make sure that exactly what was needed was funded. She said Major Jordan had also remarked that the salary would come from attrition and positions not being filled. She stated it was her understanding that the county was going to work very, very hard to fill those fifteen extra slots and that they were critical. She said today it sounded like the Board was being told that these positions were not all that critical and the Department was not going to try and fill those positions.

Major Jordan replied that was not at all what he was telling the Board. He said the A.L.E.A. states that a helicopter provides the equivalent of fifteen patrol cars. He said the Sheriff was

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willing to sacrifice the deputy that was not out there in exchange for the helicopter that was over them and this would give the equivalent of fifteen patrol cars.

Commissioner Wells asked if next year the Sheriff's Department would be asking the Board for those extra employees or patrol cars.

Major Jordan replied that he could not tell the Board what the Uniform Division would ask the Board for next year. He said he could tell the Board that the deputy that was not on the road was more than better supplanted by that helicopter in the air.

Commissioner Wells said this brings her to another thing that Major Jordan had said. She stated Major Jordan had stated that this helicopter was not going to be in the air ten hours a day or so but it would be on standby for calls. She said if there was a deputy out on the road it was her assumption that as long as the deputy was not incarcerating someone or going through the paper work then that deputy would be out on the road. She said there would be a helicopter and someone who was being paid \$44,000 who was on standby and not actually being utilized that much. She said she was not sure at this point in time if the county would be getting as much "bang for the buck" as it could be.

Major Jordan said the pilots would be doing just as firemen do when they are on standby for their calls. He said the pilots would be doing training, paper work for the helicopter and maintenance for the helicopter.

Commissioner Wells said she could not support this.

Commissioner Pfeifer asked Major Jordan if he knew the duration of the recent pursuits in the county that had resulted in injuries or fatalities.

Major Jordan replied the duration of the first chase involving the robbery of Ingles Supermarket was very short. He said the other two pursuits were fairly long and involved multiple counties.

Commissioner Wells asked how long the pursuit was in the county.

Major Jordan replied that he would be guessing to give the Board a time.

Commissioner Wells said it was a pretty short period of time.

Major Jordan said the helicopter would not go up until the Sheriff's Department was told that a chase was coming toward the county and attempt to be over it when it entered the county. He said the Sheriff's Department was just looking for ways to slow these chases down. He stated he was not sure this was the best answer or that he knew the best answer. He said he

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did know that the answer was probably not getting up on the sidewalk and clearing a pathway and letting them go.

Commissioner Wells remarked that the Sheriff's Department had previously purchased the throw down strips. She asked if those had ever been used.

Major Jordan replied yes. He said the Department had video of these strips being used. He stated they worked well when you can get ahead of the chase. He commented on the chase that came through Peachtree City and said an officer at the next intersection was preparing to deploy those strips. He said the Department would continue to use those and they would be easier to use with an observation helicopter telling everyone which way the chase was going.

Commissioner Pfeifer asked Major Jordan if the helicopter was equipped for night operations.

Major Jordan replied that the helicopter had the provisions for a night sun. He said the Department would be purchasing a night sun using drug seizure money. He said the answer to the question was that it would be.

Commissioner Pfeifer asked if this would be available considering where the helicopter was being kept.

Major Jordan replied that sometimes the helicopter would be scheduled at night. He said the chief pilot that the Department planned to hire was an instructor in night vision goggles. He said the Newnan Airport Department of Corrections had two of these that the Department could use if it was necessary.

Commissioner Frady asked what restrictions had been placed on the pilots by the insurance company.

Major Jordan replied that the insurance company stated that the only people who could fly the aircraft without the chief pilot in the aircraft were other pilots that he would designate as being fit to fly that aircraft. He said at the current time the chief pilot had only deemed Bobby Deamis who was the part time pilot that had been hired.

Commissioner Frady asked if the insurance company required a certain number of hours in the aircraft.

Major Jordan replied that this insurance policy only required that it be signed off by the chief pilot.

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Commissioner Frady remarked that he had flown for 42 years and he felt there needed to be more time than just that.

Major Jordan replied that the pilot had 17,000 hours.

Commissioner Frady said the person that the pilot designates to fly might not have that many hours.

Major Jordan responded that the only person the pilot has designated was Bobby Deamis and he has 3,000 hours. He said he felt sure the pilot was not going to designate anyone to take this helicopter out by themselves unless they have significant time.

Commissioner VanLandingham said he had done some quick math. He said by flying the helicopter three hours per day would cost approximately \$327,000 and that was figured at a \$300 per hour where the industry standard was closer to \$400. He stated the county would be looking at \$327,000 potentially to operate this aircraft.

Major Jordan responded the county would only be looking at \$50,000 per year plus the salaries. He said the Sheriff's Department was looking at whatever it cost beyond that.

Commissioner Wells asked if the helicopter would have special communication so people could be talked to on the ground.

Major Jordan replied that the Department had already purchased the radios that go in the helicopter and they were scheduled to be installed some time in late September. He said in the mean time there was an ear mic that would allow communication with the ground. He said they would be doing a patrol in the helicopter tomorrow night.

Commissioner Frady remarked that he wanted to do everything that he could to help public safety and whatever it was and whatever it takes. He felt this was kind of sudden and he said he would like a couple more weeks to think about this just to see how this was going to fit into everything.

Commissioner Pfeifer remarked that one of his concerns was that this helicopter would not stop high speed chases regardless of who pays for the gasoline. He said he was concerned that the public might believe that this would be the end of them. He said the helicopter would continuously have to be ready to go and have advance warning.

Commissioner Wells said unless the chief pilot was available on standby twenty-four hours a day there would be absolutely nothing that the county would have available quickly enough to circumvent circumstances such as the Ingles chase. She said it would be a nice adjunct but

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it certainly would not be the deterrent to high speed chases. She said it would just be a roll of the dice of being in the right place at the right time.

Major Jordan remarked that it might be the roll of the dice but one sees an awful lot of chases being covered by the air on television. He said somebody was getting helicopters over these chases. He said if the Department only slowed one chase down and saved one life then \$50,000 per year just did not look that expensive.

Commissioner Wells remarked that those helicopters were in the air far more than what Major Jordan had said these would be.

Commissioner Frady felt most of the helicopters chasing vehicles on television were television news crews.

Chairman Dunn said there was a lot of legitimate uses of this aircraft for that but normally this was associated with an aviation department of a major sheriff's or police department where there were several aircraft.

Major Jordan said the Department could never get there if it did not start here. He said the Department had asked the military for an additional aircraft so that there would be two if one was down for maintenance.

Chairman Dunn asked Major Jordan who had the title to the helicopter.

Major Jordan replied the helicopter would be titled to the Board of Commissioners.

Chairman Dunn asked who had title today since the Department was flying it already.

Major Jordan replied he assumed that title was already being transferred or has been transferred.

Chairman Dunn said to his knowledge the title had not been transferred. He said the Board of Commissioners did not own that aircraft. He said somebody was flying it today and he asked who owned it.

Major Jordan said the helicopter was titled in the name of the Board of Commissioners and the paperwork had already been submitted. He said the Department just had not received it back yet.

Commissioner Wells asked what if the Board did not want the helicopter titled to the Board of Commissioners.

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Major Jordan replied that the helicopter could not be titled to the Fayette County Sheriff's Department.

Chairman Dunn felt this just highlighted the current situation. He said if the helicopter was titled to the Board of Commissioners why was the county not insuring it. He said Major Jordan had stated that the Sheriff's Department had insurance but the county had not insured it.

Major Jordan interjected that the Sheriff's Department had paid to insure the helicopter.

Chairman Dunn asked who the insurance was with.

Major Jordan replied the carrier was a company called Ace and it was through an aviation insurance company in Philadelphia.

Commissioner Frady asked what the limits of liability were.

Major Jordan replied it was \$1 million smooth.

Chairman Dunn asked what the liability was for each passenger.

Major Jordan responded that smooth meant there was no limitation per passenger and it was just a total coverage of \$1 million. He said if one passenger has \$200,000 in injury and the other has only \$5,000 then it would cover the total and not to exceed \$1 million.

Commissioner Wells asked what if the helicopter crashed and killed someone on the ground.

Major Jordan replied that would be covered as well under the \$1 million.

Commissioner Wells interjected it would only cover up to \$1 million.

Chairman Dunn remarked the county would be liable for the rest if it owned the helicopter. Chairman Dunn said Major Jordan was saying that the Board of Commissioners had title to this helicopter but it did not know it had title. He said Major Jordan was also saying that the county did not insure it. He felt the county would have had the opportunity to insure it through the companies who insure the rest of the Sheriff's Department's emergency vehicles as well. He said the Board had nothing to say about who the Sheriff's Department insured the helicopter with and how much it paid and how much liability was purchased.

Commissioner Wells also pointed out that the chief pilot could appoint someone else. She said that liability in and of itself was horrific.

Chairman Dunn asked if the chief pilot was a law enforcement officer.

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Major Jordan replied no he was not. He said the pilot had intended to go through the academy when he comes on board.

Chairman Dunn asked about the other part time pilots.

Major Jordan replied the part time pilot was a sworn police officer and he had already been sworn in as a deputy as well.

Chairman Dunn clarified that the part time pilot was a sworn officer from somewhere else. Major Jordan replied that the part time pilot was a Clayton County Police Officer until he was hired by the military.

Commissioner Frady asked if the Board could get a copy of the insurance policy.

Major Jordan replied yes. He stated there was nothing to stop the Board from insuring the helicopter. He said the Sheriff's Department had to have insurance in order to fly the helicopter back from New Hampshire. He said this was the reason the Sheriff's Department quickly acquired insurance on it.

Chairman Dunn asked if the other part time pilot used to be a member of the Clayton County Police Department. He said now he had left Clayton County and been hired by the Fayette County Sheriff's Department as a part time pilot.

Major Jordan said the Department would have hired him full time but he was obligated to the National Guard as an instructor for Black Hawk Helicopters.

Commissioner Wells clarified that this pilot only had 3,000 hours.

Major Jordan remarked that 3,000 hours was a lot of hours.

Chairman Dunn said it was a lot of hours but he could get better insurance with 17,000 hours with the chief pilot.

Chairman Dunn asked how many hours before the next engine would have to be purchased.

Major Jordan replied that it would be 600 hours before the engine would have to be overhauled.

Chairman Dunn said if the helicopter was going to be in the air for two hours each day it would be less than two years that it would need a new engine.

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Major Jordan interjected that the Department hoped to have an engine from the military before then. He said the Department had joined their parts 1122 program to receive items from the military. He said if the Department did not receive an engine, it would just pay to have the engine overhauled.

Commissioner Frady asked what the speed was on this helicopter.

Major Jordan responded the helicopter cruises at approximately 115 knots and had the capability of going up to 125 knots.

Commissioner Frady asked if it only burned 20 gallons of gasoline per hour.

Major Jordan replied that was what they had experienced coming back from New Hampshire.

Commissioner Frady asked what kind of thrust the helicopter had.

Major Jordan remarked that he would have to ask the chief pilot.

Chairman Dunn said this helicopter was a 1971 OH58. He said this aircraft came from the military and was sold to New Hampshire.

Major Jordan remarked that Clayton County had two zero time engines that they got from the military now in crates.

Commissioner Frady said he was not concerned with the age of the plane. He said he flew an airplane that was made in 1950 and it was just about as good as it was new.

Chairman Dunn remarked that the 1971 fact did not bother him at all. He said he used to have a lot of these 58's in his unit. He asked Major Jordan when it was anticipated that the rotors would need replacement.

Major Jordan replied that all of the rotors had just been overhauled when it was refurbished.

Chairman Dunn asked if the rear rotor was also refurbished and Major Jordan replied yes.

Chairman Dunn said it was his understanding that the primary purpose of this would have to be drug enforcement because drug enforcement money was used to purchase the helicopter.

Major Jordan responded that it did not have to be but it would be a large part of what the Sheriff's Department used it for.

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Chairman Dunn remarked if the helicopter was used for drug enforcement, it be away from this county quite often.

Major Jordan replied that it did not have to be. He said it would be a large part of what the Department used it for.

Chairman Dunn said there was another question relating to the helicopter just being used in this county. He said in drug enforcement the helicopter would be away from this county quite often.

Major Jordan responded that the drug enforcement would use the aircraft for flying for marijuana eradication and then some surveillances but most of that would be in Fayette County.

Chairman Dunn remarked that most of the big drug busts that the Department has taken part of have not necessarily been in this county.

Major Jordan said if the Department was going to do a big drug bust in DeKalb County then the Department would just asked that County to use their helicopter.

Commissioner Frady asked how often the D.E.A. patrolled these counties for marijuana fields.

Major Jordan replied never. He said two years ago the State used to fly the Governor's Task Force but they had not been here in a couple of years.

Commissioner Wells clarified that in the past the Board had discussed the budget with the Sheriff's Department and the use of drug money. She said the Board had always been told that the only way drug money could be spent was if it was spent directly on drug enforcement. She said the Board had been told this repeatedly every budget year. She said now Major Jordan was saying that the Department could purchase this helicopter with drug money but she pointed out that the preponderance of its use was not going to be for drug surveillance.

Major Jordan said he did not know who had ever told the Board that the money had to be used for drug enforcement. He said the money had to be used for law enforcement. He said there was nothing in the law that says the money would have to be specifically for drug enforcement.

Commissioner Frady clarified that the Sheriff's Department purchases cars with drug money. He asked who pays for the fuel for those cars.

Major Jordan replied that the Department uses Sheriff's Department gasoline.

Commissioner Frady asked if drug money could be used to pay for gasoline for drug cars.

Major Jordan replied that sometimes they do if the officer is off on a deal and can't get back but most of the time the drug cars use county gasoline.

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

Commissioner Wells said she could not support this.

Commissioner Frady said he needed more time to investigate it.

Commissioner Wells said she wanted to make sure the Board had the title to this aircraft so that it would not be in limbo some place.

It was the consensus of the Board to table this matter to the September 26, 2002 Commission meeting.

CONSENT AGENDA: On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the consent agenda as presented. The motion carried 5-0.

BID AWARD #390 - PEEK PAVEMENT MARKING: Approval of request from the Public Works Director Lee Hearn to award Bid #390 to the lowest bidder Peek Pavement Marking in the amount of \$31,052.70 for road striping. A copy of the memorandum, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

BID AWARD #395 - WEST GEORGIA MOBILE HYDRAULICS, INC.: Approval of request from the Public Works Director Lee Hearn to award Bid #395 to West Georgia Mobile Hydraulics, Inc. in the amount of \$10,445 for a hydraulic truck crane for the Road Department. A copy of the memorandum, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

FAYETTE COUNTY HIGH SCHOOL CHORAL DEPARTMENT - SIGN REQUEST: Approval of request from the Fayette County High School Choral Department to place a sign on the old courthouse lawn on January 13, 2003 through January 26, 2003 to advertise the Bluegrass Blast sponsored by the Chorus and also to place a sign on the old courthouse lawn on March 10, 2003 through March 24, 2003 to advertise a variety show sponsored by the Chorus. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

PROPERTY TAX ISSUE:

Approval of tax refund of property taxes as provided by law.

D.O.T. CERTIFICATE OF OWNERSHIP AND AGREEMENT PR-51-4(113) - ONE COUNTY ROAD 1.311 MILES: Approval of D.O.T. Certificate of Ownership and Agreement regarding PR-51-4(113) Fayette County for One County Road 1.311 miles and authorization for the Chairman to execute said Certificate and Agreement. A copy of the Certificate of Ownership and Agreement, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

WATER SYSTEM - MALLET & ASSOCIATES APPROVED TO DESIGN AND BID A PROJECT: Approval of request from the Director of the Water System Tony Parrott for Mallett & Associates to design and bid a three bay shop for the South Fayette Water Plant. A copy of the memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

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.

There was no public comment.

STAFF REPORTS:

MICHAEL STARR NOMINATED TO SERVE ON THE MCINTOSH TRAIL COMMUNITY SERVICE BOARD: Executive Assistant Carol Chandler remarked that the Fayette County Board of Health had recommended the nomination of Michael Starr to serve on the McIntosh Trail Community Service Board. She asked for the Board's approval of this nomination.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to approve the recommendation of the nomination of Michael Starr to serve on the McIntosh Trail Community Service Board. The motion carried 5-0.

CHAIRMAN AUTHORIZED TO EXECUTE DOCUMENTS REGARDING THE PURSUIT OF THE NEW E-911 LOCATIONS: Attorney McNally asked for the Board's consideration in authorizing the Chairman to execute three documents regarding the pursuit of the new E-911 locations. He stated that two pertained to antennae applications and one was a limited authority for entry onto county property for examination purposes by one of the companies. On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to authorize the Chairman to execute documents regarding the pursuit of the new E-911 locations. The motion carried 5-0. A copy of the documents, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss one real estate acquisition and one potential legal matter.

REVIEW OF THE COUNTY'S AMENDED SIGN ORDINANCE: Commissioner VanLandingham commented on the county's amended sign ordinance and the fact that the issue of non-commercial signs and time limits had been omitted from the ordinance. He said he would like to see this issue revisited and the time limit put back in.

Commissioner Wells asked if he was speaking about campaign signs.

Commissioner VanLandingham said he was speaking about non-commercial signs and that would include those type of signs.

Chairman Dunn pointed out that there was nothing in the regulation now for campaign signs.

Attorney McNally remarked he would review the ordinance and come back to the Board at a later date.

Chairman Dunn said there was not a sign ordinance in this county that could be interpreted without a law degree. He said after having just come through the campaign, it was incredible to have to comply with all of the rules including the county's. He felt the entire sign ordinance needed to be reviewed for clarity as well as simplicity and enforceability. He said the Marshal's Office had been in a position during the last several campaigns and at other times when they were sent out to check out a situation and they could not determine if the sign was legal or illegal. He said there were so many caveats that it was hard for the Marshal's Office to know what was legal or illegal. He said there are not supposed to be signs placed in the right-of-way and he pointed out that the Peachtree City Air Show had obtained permission from the State to place signs in the right-of-way.

Commissioner VanLandingham said his main concern was the county imposing rules on the commercial but there was no time limit for non-commercial.

Attorney McNally said the committee had taken a long time to arrive at the sign ordinance but he would be happy to take a look at anything to be improved. He said he gets calls at least a half a dozen times per day from various departments in Fayette County seeking advice as to the legality of various situations that they were in. He said he had not recalled a single instance that he had received a call from the Marshal's Office relative to whether or not a sign placement was legal or illegal. He said he knew that one of the things that was very misunderstood about signs was that the county could not impose upon freedom of speech. He said what the committee had tried to do in the county's ordinance was to differentiate between properties and not message. He said he would be happy to try and simplify it but in actuality he

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did not think the county's sign ordinance was really difficult to interpret but he would be glad to improve on it.

Chairman Dunn said he had received calls from his opponent telling him that his signs were illegal. He said when he tried to find out if they were illegal, he could not find out. He said the worst problem was that there were not supposed to be any signs in the right-of-way but nobody seems to be able to identify the right-of-way. He said he even had a debate with the State during the election and even they could not tell him where the right-of-way was on the State highways.

Chairman Dunn said he had to go to the State and get the actual right-of-ways. He said the only way a person could determine them was to actually measure from every single point in the road because they change every few feet.

PROPOSAL TO CONSTRUCT PERMANENT FARMERS MARKET STAND: Commissioner VanLandingham remarked that some citizens had approached him about their ability to dispose or make available to the public the produce that they were growing. He said the Master Gardner Program had put out 2,000 pounds of produce and they had the opportunity to give some of it to needy people. He said there was still a lot that they could have disposed of through a retail outlet and made money for their organization. He said consequently that he had come up with a proposal to construct a permanent farmers market for the citizens of Fayette County to use. He said this would be for all citizens of Fayette County. He said it would be constructed as a pole barn type facility. He stated there was an option to put in forty spaces for parking which he would like to see happen. He said there would be a sign explaining to people what the facility was and also show the hours of operation. He said he had spoken with Sheldon Hammond of the Cooperative Extension Service and that office was willing to facilitate this for the county. He said they had also agreed to monitor it and to issue the permits to people to utilize the facility. He said they had also spoken with Nancy Price of the Main Street Organization who started using this three weekends out of the summer. He said this was what got all of this started. He said the total cost would be \$22,900. He said there would be no cost for people operating this from the county. He said there would not be any staff personnel. He said the county was already cutting the grass out there now so there would not be any added burden on the budget as far as personnel. He said he would like to make a motion.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to allow citizens a place to dispose of their produce every year at a cost of \$22,900, discussion followed.

Commissioner Frady asked if this produce must be produce that citizens of Fayette County had grown.

Commissioner VanLandingham responded that was exactly correct. He said people could not purchase produce at the Farmer's Market and then bring it back here to sell. He said the question had come up as to how this would be policed. He said once the rules were established, Nancy

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Price and Sheldon Hammond had both reinforced each other that this would police itself. He said all they would have to do would be to inform them that there was someone there who was not supposed to be and that would be taken care of.

Chairman Dunn pointed out that there was a little fruit stand just outside the Town of Brooks. He said he stopped, did not think the fruit looked so good, pursued it and they informed him that they never grow anything at that location and in fact they bring it to that location from the Farmers' Market. He asked who would make the money from the produce stand.

Commissioner VanLandingham replied the people selling the produce would make the money.

Chairman Dunn asked why the county would pay for this.

Commissioner VanLandingham replied so that the county could provide a service to the citizens.

Chairman Dunn asked why it would not be a service just to give the citizens an opportunity to have a place to do this and let them put up the stand themselves so that they could make some money.

Commissioner Frady asked what the zoning was for that area and also where a pole barn would go.

Chairman Dunn interjected that it would be located on McDonough Road. He asked what the zoning was for in that area.

Commissioner VanLandingham replied that the pole barn would be located at the site where the 4-H used to have their firing range.

Commissioner Frady also asked for the zoning in that area.

Chairman Dunn said that particular area was part of the county's property.

Commissioner Wells remarked when Commissioner VanLandingham first approached her on this issue she felt it would be a good idea for people to do this if they wanted to. She felt it would be expanding the county and the community cooperation. She said she must not have been paying attention because she did not recall talking about a pole barn.

Commissioner VanLandingham remarked that when he was talking with the Board previously the only thing that had changed was the \$1,200 for the parking. He said the pole barn and everything else was included in the \$10,900.

Commissioner Frady clarified that this probably was not a real pole barn but just a shed.

Commissioner VanLandingham replied that it was just a shed.

Chairman Dunn said he did not recall seeing any information on this.

Commissioner Wells said she did not have a problem with the county setting aside a space for people as part of a recreation and community thing. She said she would be opposed to putting any pavement out there.

Commissioner VanLandingham remarked there would be no paving.

Commissioner Wells asked if the parking lot would be crush and run.

Commissioner VanLandingham replied yes, it would be crush and run.

Commissioner Wells asked if crush and run would cost \$12,000 as indicated on the estimate.

Commissioner VanLandingham replied this was an added item that someone thought would be a good idea. He said he did not feel that parking would be a requirement. He said by reducing the parking, this would bring the figure down to \$10,270 instead of the \$22,000 figure.

Commissioner Wells asked Commissioner VanLandingham if he had spoken to the County Attorney about this. She said if the county set this up, there would have to be some means of enforcement. She said the county could say that a non Fayette County resident could not come to the Farmers Market and use it but questioned what if this occurred. She said if this was not included in an ordinance, then the Marshal's Office could not enforce it. She asked who would be monitoring the stand. She said she was aware that Mr. Hammond and Mrs. Price had stated that this would take care of itself but she said they had far greater confidence in human nature than she did. She said she liked the concept and remarked that she had attended every single Saturday that the farmers' produce was sold at the Gazebo at the Administrative Complex. She said it was wonderful and she would like to see small businesses encouraged but she would like Attorney McNally to check this out.

Chairman Dunn said he also agreed and felt there should be a space for citizens to do this but when Main Street had done this on the three weekends in the summer there was no cost associated to Main Street whatsoever. He said people had brought their own tables, set themselves up, brought their own trucks in, sold the produce and then left. He said the City of Fayetteville did not have to pay anything and those people were able to come to a central location and sell their goods. He said he would like to facilitate something like that but he questioned why the county would build a facility for a commercial operation. He said he was not even sure that the county could do this. He questioned if the county could build a building for a business.

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Commissioner Frady remarked that he did not know if this would be labeled a business. He said he would doubt there would even need to be a business license to do this.

Attorney McNally interjected that he felt the county could construct a shed.

Commissioner VanLandingham said he had referred to it as a pole barn but it would just be a shed.

Commissioner Frady said the structure would not even be enclosed.

Commissioner Wells said this should be manned under the County Extension Service or Recreation because it might have uses outside of the farmer's market time. She said how would the county handle recreational facilities if citizens wanted to use it outside of the normal recreation. She said this might be something that people could rent for parties.

Commissioner Frady interjected that he did not think so because it would just be a shed with no enclosed sides. He felt it would just be something for people to get in out of the rain or sunshine. He asked if this market would only be open on Saturdays.

Commissioner VanLandingham replied no, it would probably be open three days a week such as Tuesday, Friday and Saturday or something like that.

Chairman Dunn commented that the facility was proposed to be a 40' x 40' facility.

Commissioner Frady stated there would be allocated spaces there where people could use tables to display their merchandise. He felt it would be a great idea if there were people who wanted to use it.

Commissioner Wells said she had no problem with this concept. She said she just wanted to make sure that it was set up so that it did not become contentious when people did not have the rules straight in their mind and that the county had the means of sending the marshal out there to take care of things if somebody had a dispute.

Chairman Dunn asked if people would have to get a permit if the market became popular.

Commissioner Frady felt there would have to be a permit so that the county would know who was in there.

Commissioner VanLandingham said he would seriously hope that it would create this situation for the county. He said they would be permitted to begin with and there would be a bank of names. He said it would be very easy if it came to the point where it needed to be expanded. He

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said then they would need to form some type of association that would allow them to do what they needed to do out there such as the county does with softball and baseball.

Commissioner Wells asked Commissioner VanLandingham who he was referring to as "them".

Commissioner VanLandingham replied he was referring to the farmers.

Commissioner Wells asked who would handle the permits.

Commissioner VanLandingham replied that the Extension Office would issue the permits to the people. He said they would have to be permitted to be there.

Commissioner Pfeifer clarified that the Extension Office would be the governing body for whatever happened out there.

Commissioner VanLandingham replied yes. He said there would be a place to display the permit and they would be attesting to the fact that they grew the produce and were a resident of Fayette County. He said it was very true that somebody from Clayton County might use this market. He said Clayton County residents use Fayette County parks now and a marshal was not sent out there now to check their I.D.'s to make sure they were residents of Fayette County. He said it would be foolish for him to tell the Board that this was not going to happen. He said he was looking for an opportunity to let the people in the community pursue this just as the county handled football, soccer, and baseball. He said this would be a start for them.

Chairman Dunn said the only difference he had with football, soccer and everything else was that they were not profit making endeavors. He said the market would be to sell something and make a profit and non of the profit would come back to the facility. He said he did not have a problem in providing space for this. He stated his problem was putting Fayette County taxpayers' money into it so individuals can make a profit off their vegetables. He said that was his only problem.

Commissioner Frady interjected that soccer and all of the other people did make a profit and then they put the money back into the product that they were using which were the fields. He said the farmers would too and he did not see how they could make a living from this.

Commissioner VanLandingham stated that the farmers would not be making a great deal of money on it.

Chairman Dunn remarked that he was 100% in giving them the space but he did not want to support the county building them a facility to run private businesses in.

Commissioner Wells said she would like to see Commissioner VanLandingham sit down and discuss this with Attorney McNally and let him bring in Mr. Hammond and work out things a little more concretely than what they were. She said she could agree with the concept but she did

wanted to see it in a little more cohesive form. She said she would want to know what days the market would be open, what the permitting process would be and whether or not a small fee would be charged. She said there might be a possibility of the county having to send out someone to clean up that area. She said she would like to see a little more of an expanded concept than what it was currently.

Commissioner VanLandingham said he would withdraw his motion if the Board wanted to table this item.

Commissioner Wells said she would like to table it and Chairman Dunn agreed.

Commissioner Frady interjected that he would like to withdraw his second to the motion.

It was the consensus of the Board that this matter be discussed further at the September 26, 2002 Commission meeting.

COMMISSIONER FRADY: Commissioner Frady said he had read a letter to the editor in the newspaper yesterday from one of the Western City Mayors. He said he had come to the conclusion that the Board needed to speak with the newspapers and see if they would stop these letters to the editor from elected officials and people who were running for office. He said these individuals write these letters and have no one to ask their questions or answer their questions. He felt instead these individuals should make a press release, take it to the newspapers and sit down with them and let them ask them questions about their letters so there would be two sides to a story. He said all these individuals talk about their virtues, how good they are and everything they are doing. He said sometimes he reads these letters and he was not sure that these individuals were doing any good at all. He said this was just his view.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Frady to adjourn to executive session to discuss one real estate matter and one legal matter. The motion carried 5-0.

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

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed. The motion carried 5-0.

LEGAL: Attorney McNally discussed a legal matter with the Board.

The Board took no action on this matter.

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EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that one real estate matter and one legal matter were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 9", 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 9:15 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 26th day of September, 2002.

Karen Morley, Chief Deputy Clerk