

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, May 13, 2004, 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
William R. McNally, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Dunn called the meeting to order, offered the Invocation and led the Pledge to the Flag.

PROCLAMATION FOR “OLDER AMERICANS MONTH”:

Chairman Dunn read and the Board presented a Proclamation recognizing the month of May, 2004 as “Older Americans Month” to Director of Senior Services Andy Carden and Joan Neal of Senior Services. A copy of the Proclamation, identified as “Attachment No. 1”, follows these minutes and is made an official part hereof.

Chairman Dunn remarked that Fayette County’s senior center was the only center in the entire metro area of Atlanta that was run by volunteers. He said this was a volunteer board that took care of all of the issues that were required by the seniors and to provide dignity in their lives. He said all of the other counties in the metro area have had to go to government employees to do that. He said this community was so fortunate that there were still so many wonderful people who were dedicating such a great portion of their lives to go out and work for the senior citizens because they loved the people, the job and the work that they do. He remarked that Ms. Neal had served on the senior board since 1990 and also noted that Frances Reeves had served for twenty-five years. He said Fayette County had been so blessed that it takes care of its own. He said all of the work that they do was very greatly appreciated.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE V. GENERAL PROVISIONS, SECTION 5-10. ACCESSORY USES AND STRUCTURES, F. ADMINISTRATION.

Director of Planning Chris Venice remarked that the Planning Commission had recommended approval of this item 5-0. She also noted that this item had been tabled from the Board of Commissioners’ April 22, 2004 meeting. She said since the last meeting where this item was discussed, she had provided the Board with additional information

particularly on the issue of the storage containers. She said while she still believed that the county needed to administer accessory structures through building permits and size, she felt there needed to be further review of the storage containers themselves and determine if they should be allowed at all or whether they should be allowed on a temporary basis. She said there might need to be a better definition of accessory structures for residential zoning. She asked for the Board's consideration to send this item back to the Planning Commission for another workshop. She said after the Planning Commission's review, she would be able to provide the Board with a more complete package.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to table this item to the June 24, 2004 Board of Commissioners' meeting. The motion carried 5-0.

CONSIDERATION OF AN ANNEXATION PETITION FROM THE CITY OF FAYETTEVILLE FOR 108 ACRES LOCATED NEAR REDWINE, HAWN AND OLD SENOIA ROADS:

Director of Zoning Aaron Wheeler remarked that the county had received an annexation request from the City of Fayetteville for 108 acres. He said the area was located along Redwine Road between Old Senoia Road and Hawn Road. He said they were requesting to annex and rezone this property to R-40 for a PUD and conservation subdivision consisting of 94 lots. He said there would be 32 acres of conservation and an eight acre City park. He said after review, staff was recommending that this be denied based on the number of units to a higher density than would be allowed in the county.

Chairman Dunn asked if the Board had any comments or questions on this item.

Commissioner VanLandingham remarked that the Zoning Department had brought out something that he felt was very pertinent to this request. He said the proposed conservation subdivision appeared to be possible without annexation into the City. He said that would be under the county's own conservation subdivision ordinance. He said the subdivision would be able to develop with 94 lots as proposed including open space and apparently comply with all county requirements. He said the conservation element open space of the proposed annexation would be achieved on a per lot basis by increasing lot size allowing for the same type of development without the proposed increase in density. He said the basis of annexation is for a municipality to provide needed services not available in the county. With sufficient on site area for each lot for a septic system the subdivision has not demonstrated the need for sewer service. He said in addition the county would still provide water service and fire protection and emergency medical services to the property if it was annexed. He said the Sheriff's Office had a comment which he read part of. He said the Sheriff's Office would be responsible for answering certain calls within this area and would definitely be impacted by the increase in calls.

Commissioner VanLandingham further remarked that the difference with the county was only in one area and that was sewer. He said everything else could be achieved if this was developed as county rather than annexation into the City. He said he was opposed to this annexation on the basis that there was no gain at all for anyone. He said there would be a definite loss to the county if this was annexed.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to oppose the annexation petition from the City of Fayetteville for 108 acres located near Redwine, Hawn and Old Senoia Roads, discussion followed.

Commissioner Pfeifer said he saw no necessity to do this. He said he believed that this would increase the density. He said he was also very interested in the comments that Commissioner VanLandingham had made about the services. He felt that this was the only reason that there should be annexation. He said he would like to reiterate something that he had said before. He said the Board of Commissioners needed to sit down on a county-wide basis with the municipalities and come up with an annexation policy that would address these issues.

Commissioner Wells commented that the only bona fide reasons that the Board could deny this was that there were no objections based on the bona fide land use and that the annexation did not create an island. She said unfortunately that did not appear to be the case here. She said she still had a problem with this annexation because the conservation subdivision that the City was proposing to develop was not yet written, on the books or adopted. She said it was difficult for the Board to understand what was going to be created there if those definitions had not yet been clearly delineated. She said by this Board having no objection and this moving forward, the county had no guarantee that in essence what was going to be built there. She said she had a great deal of concern with something being annexed into the city under a zoning that did not exist. She felt that was premature at best. She said she wanted to add to her general discomfort with this request that in addition to what Commissioner VanLandingham and Commissioner Pfeifer had said, the bottom line was that there had not been a demonstrated need. She said it could be developed in the county as it was proposed and she felt that was important but it also stated that in addition the county would experience an initial loss of revenue in the amount of \$84,629 and a yearly loss of revenue in the amount of \$21,225. She said this really became more clearly defined when the remainder of the request was read. She said it stated that the county would still provide water, fire and emergency medical services to that particular piece of property. She felt this would put an unfair burden on all of the county citizens. She said there was also no demonstrated need and there was currently no defined conservation subdivision that the City of Fayetteville had adopted.

Chairman Dunn said this was a tough one for the Board. He said the only way that the Board could object to this was through a bona fide land use objection. He said this meant

that there would have to be a higher density or a higher intensity on the use of the land than the county's plan called for in the unincorporated county. He said the fact was that this could not go forward without a land use objection. He said according to the city and the developer, they were going to develop this as an R-40 PUD conservation subdivision. He said that did not exist in the laws of the City at this point. He said the county would have no idea what this might be when they finally decided to determine what it was. He said the bottom line was that the Board did not know what this would turn out to be. He said he would also have to object based on the fact that the Board did not know what the land use or the density was going to be. He said he could not support this either.

Commissioner Wells remarked that as a result of that there could be a bona fide land use density problem but this would not be known yet.

Chairman Dunn said he would like to point that out that there was a process where the Board could sit down with the City and the developer to discuss this. He said the county had a conservation subdivision in its ordinances which was acceptable to everyone on this Board. He said the Board did not know at this time what this particular conservation subdivision would say because there was nothing in place.

Commissioner Pfeifer said the Board could characterize that as a bona fide land use objection because the annexation rezoning would be R-40. He said this would result in twice the density because the other zoning category did not exist now.

Chairman Dunn according to the county's land use plan, one to two acre lots could go in at that location. He said at this point in time because the Board did not know what this could end up as, the Board would have to object.

The motion carried 5-0.

Chairman Dunn remarked that the Board would formally notify the City of Fayetteville that it objected to this annexation.

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

MATRIX MEDICAL - AWARDED BID: Approval of recommendation from Director of Purchasing Tim Jones to award bid to Matrx Medical in the amount of \$25,515.09 for medical supplies for Fayette County. A copy of the memorandum, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

LAKE HORTON - REQUEST FOR PROPOSAL FOR CREEL SURVEY: Approval of recommendation from Director of Water System Tony Parrott to issue a Request

for Proposal under the Reservoir Management Plan to perform a creel survey at Lake Horton to identify the types and quantities of fish to determine if there is any need to regulate size and limits. A copy of the memorandum, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

MALLETT CONSULTING - ENGINEERING SERVICES FOR PHASE I OF KENWOOD PARK: Approval of recommendation from Director of Engineering Ron Salmons to approve the engineering services proposal submitted by Mallett Consulting, Inc. for the design of Phase I of Kenwood Park in the amount of \$67,360. A copy of the recommendation, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

D.O.T. CONTRACT LAR04-S006-00(332): Approval to enter into D.O.T. Contract LAR04-S006-00(332) for resurfacing 10.020 miles of plant mix resurfacing on various county roads. A copy of the contract, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

D.O.T. CONTRACT LAR04-S006-00(334): Approval to enter into D.O.T. Contract LAR04-S006-00(334) for resurfacing 0.680 miles of plant mix resurfacing on various county roads. A copy of the contract, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

CORONER'S BUDGET - TRANSFER OF FUNDS: Approval of recommendation from the Director of Business Services Mark Pullium to transfer funds in the amount of \$2,778 from the contingency fund to the County Coroner's budget. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on April 22, 2004.

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.

John Talley: Mr. Talley said he appreciated the Board's decision on the annexation request.

Chairman Dunn interjected that this item was discussed on tonight's agenda and Mr. Talley could not comment on that item.

STAFF REPORTS:

FISCAL YEAR 2005 BUDGET PRESENTED: Director of Business Services Mark Pullium presented the proposed recommended fiscal year 2005 proposed budget to the Board for their review. He said staff had worked diligently with all of the departments through the county to develop the fiscal year 2005 proposed budget. He stated that as staff was directed at the Board of Commissioners' retreat one of the things that came across pretty clear was that the Commission wanted staff to structure this budget so that a tax increase could be avoided. He said the recommended budget that the Board was being presented tonight did accomplish that objective. He said the recommended general fund budget was \$46.2 million which represented an increase of \$1.5 million over the fiscal year 2004 budget. He said when staff received budget requests from departments they totaled \$51 million. He said as the Board could see, staff was recommending a reduction of the requested funding by \$4.8 million. He said if approved the recommended budget would include an increase to the public safety budgets. He said furthermore, the Sheriff's budget would increase by \$865,898 which continues the commitment to provide essential funding to protect citizens. He said this represented a 6.9% increase in the funding. He said the level that was being recommended was \$13.4 million.

Mr. Pullium further remarked that in addition the budget included public works projects for the Road Department and the transportation program totaling \$5.1 million. He said this included L.A.R.P. resurfacing, maintaining roads and also some construction projects to build a few new roads, traffic realignments and so forth. He said staff had identified some funds that were necessary as part of the county's formally adopted recreation needs assessment study. He said some funding had also been included in the budget to fund that on a prioritized basis. He said in addition the budget continued the capital improvement program and included \$3.7 million in recommended projects to begin in fiscal year 2005. He noted that the tax rates in 2001 for the general fund had gone from 6.56 mills down to 5.56 mills which was what he believed this budget would come in at. He said this was certainly a projection but the numbers were continuing to slide down and this was based on the leadership of the Board and Chris Cofty's leadership as County Administrator in maintaining a very tight budget. He said the necessary services were funded and he felt these services had actually been approved throughout the county in a lot of ways. He said the citizens were not being taxed more and more and but a high level of services were being delivered. He remarked that this said a lot about this Board of Commissioners' leadership.

Commissioner Frady asked Mr. Pullium for the natural growth percentage rate that was being used in this forecast.

Mr. Pullium replied that staff was using approximately 3% of the total growth. He said they had expected 8% or 9% growth in the digest but when the actual growth was looked at staff had used a planning figure of 3%. He said this was only an estimate and a projection and was yet to be determined.

Commissioner Frady asked when the digest would be received.

Mr. Pullium said it was his understanding from the Assessor's Office and the Tax Commissioner that the digest should be received by August 1st this year.

Chairman Dunn asked Mr. Pullium for the overall percentage increase in the recommended budget.

Mr. Pullium responded that the overall budget in the general fund would increase from \$44 million to \$46 million. He said this equated to approximately 3.5% to 4%.

Chairman Dunn pointed out that the public safety in the Sheriff's Department was 6.9% and this was substantially more than the rest of the county's budget. He said this was consistent with the emphasis on public safety. He said by being able to reduce the millage rate nothing was being shorted that was critical. He said reassessments had recently been mailed out and as every year the reassessments on property go up in Fayette County. He said if the budget was approved at this level, it would be the fourth year in a row that the millage rate had been rolled back so that citizens were not getting taxed more for their reassessed values from the county.

Chairman Dunn remarked that staff had been working on this budget for the last several months. He said it was agonizing work because this Board required that they justify every penny. He said this was a zero based budget and everything must be justified every year. He said there would probably be some minor adjustments in the budget along the way. He remarked that there was another month and a half of excruciating pain while staff sits down with the Board and goes through all of the figures. He commended staff for doing such a great job and also thanks to Mr. Cofty for a great job. He said this budget process was spectacular.

Commissioner Frady said he was glad that this budget was staying within the natural growth and the county did not have to depend on reassessments. He said he did not like reassessments but unfortunately they were there.

Mr. Pullium said staff appreciated the Board's support. He said he did have the budget books available for the Board and he would be delivering these to them.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss five legal items with the Board.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss five legal items. The motion carried 5-0.

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LEGAL: Attorney McNally discussed a legal item 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 item.

On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed in this matter. The motion carried 5-0.

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

The Board took no action on this matter.

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

The Board took no action on this matter.

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

The Board took no action on this matter.

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 five legal items were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 8", 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 9:30 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 27th day of May, 2004.

Karen Morley, Chief Deputy Clerk