

The Board of Commissioners of Fayette County, Georgia met in Official Session on May 5, 2004, at 3:30 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
Peggy Butler, Chief Deputy Clerk

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

OLD BUSINESS:

CONSIDERATION OF RESOLUTION 2004-09 CALLING FOR A SPECIAL LOCAL OPTIONS SALES TAX REFERENDUM ON THE NOVEMBER GENERAL ELECTION BALLOT.

County Attorney Bill McNally requested that this item be tabled until May 27th Board of Commissioners Meeting. He said there were several issues involved that needed additional research.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to table this item until the May 27, 2004 Board of Commissioners' Meeting. Motion carried 5-0.

ESTABLISHMENT OF A TIPPING FEE AT THE LANDFILL FOR SOLID WASTE LEAF AND LIMB DEBRIS FOR ALL CUSTOMERS.

Ron Salmons, Director of Leisure Services and Development stated that last month a proposal was presented to the Board for their consideration of tipping fees in addition to the commercial fees currently being charged at the Landfill. He said Chairman Dunn and Commissioner Frady had concerns about some of the projections and had asked us to go back and review those again. Mr. Salmons said tonight they were providing to the Board, for their consideration, a new income and operating expense projection. He said they were also recommending a new fee schedule which was less than the one first proposed. He said they were now proposing \$1 per car, \$3 per pick-up or small trailer and \$25/ton with a \$10 minimum for all other vehicles. He said all other vehicles included three major categories, the first being commercial vehicles regardless of what type of vehicle it was. He said all nonresident vehicles would also be included in this. He said they did a vehicle and weight count since the last meeting and there was some problem in gaining the accuracy of out of county vehicles but did determine it was somewhere between 12% and

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20%. He said the reason for the difficulty was that 8% of the vehicles had a wildlife tag as opposed to a county tag.

He said the third major category of all other vehicle combinations included a loaded pick-up with a loaded trailer, a large dump truck, or other combinations. He said all of these examples would pay the \$25/ton fee with the \$10 minimum.

Mr. Salmons said the projected income from this break down would show that cars contributed just under 1% of the total income, pick-ups contributed about 25% of the income and the "all other" category contributed 74%. He said the expenses were based on the latest distribution of our labor. He said movement of personnel from the transfer station to the buildings & grounds had been made.

Chairman Dunn said the bottom line here was that the fee schedule proposed originally was \$4 per car, \$8 for pick up trucks and \$30/ton for all others with a \$15 minimum. He said now after the revision it was \$1 per car, \$3 per pick-up truck and \$25/ton with \$10 minimum for all others.

Mr. Salmons said that was correct.

Chairman Dunn said he appreciated the work put into this to get the fees down as low as possible and still cover the costs. He said he could now support this tipping fee.

Motion was made by Chairman Dunn, seconded by Commissioner Wells, to approve the tipping fee at the landfill as presented today. Discussion followed.

Commissioner VanLandingham said there was a question on out of county users. He asked if these were commercial trucks doing business with residents of Fayette County.

Mr. Salmons said they could or could not be. He said with the count they basically identified by license plate. He said they did not identify whether the vehicle was commercial or noncommercial other than the typical landscaping type truck. He said they did not record the license plate numbers and try to run them down.

Chairman Dunn said it appeared that staff had difficulty when someone drove up as it was almost impossible to sort out where the vehicle was from and some of the commercial companies would bring their loads in several cars so they would not have to pay for it. Now it was simplified.

Commissioner Frady said he was going to let his answer from the last meeting stand. He said he did not think we should do this. He said he would not support this.

Commissioner Pfeifer commented that in looking over the revised figures the fee seemed quit nominal and it was fair that the rest of the taxpayers would not have to carry that burden and that those who used the facility would help support it.

Motion carried 4-1 with Commissioner Frady opposing. A copy of the fee schedule, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

CONSENT AGENDA: motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to approve the Consent Agenda as presented. Motion carried 5-0.

MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF JUSTICE:

Approval for the Board of Commissioners to sign a Memorandum of Understanding with the Department of Justice for the installations of the ACU 1000s. A copy of the Memorandum, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

CONTRACT WITH MOTOROLA FOR THE INSTALLATION OF ITAC FREQUENCIES:

Approval for the Board of Commissioners to contract with Motorola in the amount of \$494,357 for the installation of ITAC frequencies. Annual maintenance costs to be borne by Fayette County after a year of warranty maintenance in the amount of \$34,584. A copy of the contract, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

TAX REFUND DENIAL TO HEALTHSOUTH:

Approval of recommendation to deny a request for a tax refund to Health South for the years 2001, 2002 and 2003 in the amount of \$33,080.11.

TRANSFER OF FUNDS FROM THE GENERAL BUDGET TO THE SHERIFF'S DEPARTMENT BUDGET:

Approval of request to transfer \$1,439.62 from General Budget funds to Sheriff's Department Budget Category 10030323-522223. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

TAX REFUND APPROVAL TO TOMOHITO MORISHITA:

Approval of recommendation to approve a request for a tax refund to Tomohito Morishita in the amount of \$138.11.

APPROVAL OF WORKER'S COMPENSATION ADMINISTRATOR'S SERVICE FEES AND RENEWAL OF SPECIFIC EXCESS INSURANCE:

Approval of recommendation from Director of Human Resources Connie Boehnke to approve Fayette County's Worker's Compensation Administrator's service fees and renew Fayette County's specific excess insurance with Midwest Employers Casualty Company. A copy of the fees and renewal, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

INCREASE OF REVENUES AND EXPENDITURES IN THE GRANT FUND:

Approval of request to increase revenues and expenditures in the Grant fund in the amount of \$9,750.38 to recognize Bulletproof Vest Partnership Grant. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

WAIVER OF RESERVATION FEE AT MCCURRY PARK FOR THE SOUTHERN BICYCLE LEAGUE:

Approval of request for the Southern Bicycle League to facilitate Wilson 100 Bike Ride out of McCurry Park and waive the reservation fee. This request has been approved and the reservation fee waived for the past 15 years. A copy of the request, identified as Attachment No. 7", follows these minutes and is made an official part hereof.

BOARD MINUTES:

Approval of minutes for Board of Commissioners meeting held on April 7, 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.

There was no public comment

STAFF REPORTS:

BILL MCNALLY: Attorney McNally said he had given the Board suggested changes to the Massage Therapy Ordinance. He said there was already a very strict massage therapy ordinance in existence. He said these were changes that had come about due to recent rulings and various court cases. He said the first section sets out the purpose for the ordinance itself and the second change clarified the fact that the books and records could be checked by the marshal's office only during normal business hours as opposed to no time limit which was in the original ordinance.

Chairman Dunn asked if the change with the marshal's office was that they may look at the records any time the business is open whether it be midnight or 4:00 a.m. or 2:00 p.m. He asked was it correct if they were not open we could not cause them to open to look at the records.

Attorney McNally said that was correct. He also said the purpose of the ordinance clarification was to prevent illicit sexual activities.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to approve the changes to this ordinance. Motion carried 5-0. A copy of the Ordinance No. 2004-06, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

BILL MCNALLY: Attorney McNally asked for an Executive Session to discuss one real estate item and four legal items.

CAROL CHANDLER: Ms. Chandler informed the Board that the Budget team would be presenting the recommended budget to the Board of Commissioners next week and asked that the Board check their calendars in regards to setting times for Budget Workshops at the end of this month.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to adjourn to Executive Session to discuss one real estate item and four legal items. Motion carried 5-0.

EXECUTIVE SESSION:

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

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, for the County Attorney to proceed in this matter. Motion carried 5-0.

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

Motion was made by Commissioners Wells, seconded by Commissioner VanLandingham, for the County Attorney to proceed in this matter. Motion carried 5-0.

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

The Board took no action on this matter.

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The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner Frady, to authorize the Chairman to execute the Executive Session Affidavit affirming that one real estate and 4 legal items were discussed in Executive Session. Motion carried 5-0. A copy of the 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 4:50 p.m.

Peggy Butler, 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.

Peggy Butler, Chief Deputy Clerk