

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, April 7, 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

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

**PRESENTATION:**

Vice Chair Linda Wells read and presented a proclamation to the local chapter of the Red Hat Society proclaiming April 25, 2004 as "Red Hat Society Day".

**DISCUSSION OF ESTABLISHING FEES AT THE LANDFILL FOR LEAF AND LIMB DEBRIS.**

Mark Pullium, Director of Business Services, and Ron Salmons, Director of Leisure Services and Development presented a power point presentation to the Board of Commissioners regarding establishing a tipping fee at the Landfill for the leaf and limb debris.

Mark Pullium gave a background of the issue. He said the solid waste fund was a proprietary fund type and the leaf the limb operation was part of the solid waste fund. A proprietary fund was designed to provide services to consumers at a price that would cover both the current cost of operations and maintain the capital to keep the operations ongoing. He said it was a business type activity and as such paralleled the financial accounting and reporting found in many business enterprises. He said a key component to a business enterprise was that it had a primary objective of making a profit. He said much like the business sector enterprise the profit motive would be an important part the Board would consider as it contemplated this proposal.

Mr. Pullium said currently the County does not charge Fayette County residents a tipping fee for leaf and limb material. He said they did charge non-residents of Fayette County and commercial haulers a tipping fee. He said the current revenue stream from the leaf and limb tipping fee does not cover the operating costs of this segment of the solid waste fund. He said a proprietary fund should establish and generate enough fees to cover its operating costs at a very minimum.

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Mr. Pullium said it was fair to charge all users, including Fayette County residents, a tipping fee for using the services at the Fayette County Leaf and Limb operation. He said in the absence of sufficient revenue generation from this segment of the solid waste fund, the County's general fund would be forced to subsidize the losses incurred in the leaf and limb operation. He said subsidizing a proprietary fund operation results in problems. He said tax revenues must be diverted from important public services such as public safety, transportation, public works, judicial and recreational type services. He said in addition, all citizens may not utilize service even though their tax dollars were being used to pay the cost of delivering the service. He said while this was often true of services provided by a governmental unit, service delivery levels in critical areas of operation should not be jeopardized at the expense of a service which may be legitimately funded through a moderate user charge. He said this would be an outcome in Fayette County if revenue and expenses in the leaf and limb operations were not properly balanced.

Mr. Pullium it was staff's intent to recover operational costs not to make a profit. He said based upon current projections in the proposed rates a small operation margin may occur. He said staff recommended establishment of a tipping fee to sufficiently cover the proposed operational costs of the leaf and limb segment of the solid waste fund.

Ron Salmons said what they were proposing to try to recover the costs was a fee very similar to what was charged for the solid waste. He said that was very typical of the other counties around Fayette County and the basic fee was \$4.00 per car, which was usually four to five bags. He said a pickup truck with a 4'x8' bed or small trailer had a flat fee of \$8.00 which was what was charged for the regular municipal waste. He said the scale rates were \$30.00 per ton and they were proposing for the vehicles larger than a pickup truck or small trailer to be weighed and charge a flat fee, or minimum fee, of \$15.00. He said they proposed that the mulch would still be free to Fayette County citizens and that on Friday's staff would load the mulch free as they currently were doing.

Mr. Salmons said they did a projection based on these fees. He said please understand they did not issue tickets for every vehicle that came in and dumped free. He said they did know how much material was processed on an annual basis. He said they processed approximately 40,000 cubic yards of loose material. He said they used 30,000 in their project because they anticipated that if they started charging, there was going to be a decrease in the amount of material that was brought out there. He said they made another assumption that of the material that was brought out there, based on observations, about 90% of the material was brought to the landfill in pickup trucks or small trailers. He said if you fill up a pickup truck it will carry about 3 ½ cubic yards. He said they anticipated approximately 7,700 loads a year at 30,000 tons. He said that gave them a certain amount of generated funds and the other 10% was waste that would be brought in. He said that was about 400 tons of material that would be coming in. He

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said the total revenue that would be generated for the whole operation would be \$31,800. He said the current operating costs were \$106,690. He said that reflected personnel that were already moved out of that operation and utilized in Building and Grounds. He said they had tried to economize as much as possible. He said there could be an operational margin of \$25,000 if all of the assumptions made were accurate. He said it was very difficult, based on records.

He said they did the best they could based on tonnage they had from a commercial side. He said they were getting approximately 400 tons annually from commercial waste which is weighed in on commercial scales. He said this was a fair representative of what they could expect.

Mr. Pullium said in the second part of their presentation they had asked themselves how similar governments were dealing with this issue. He said then they asked if Fayette County was losing money on the leaf and limb operation. He said they then asked what the auditors said in dealing with this.

Mr. Pullium said they did surveys of other governments in the metropolitan and local areas and they found that all the governments they surveyed were charging a tipping fee for leaf and limb. He said Cherokee County had a minimum charge for anybody of \$25 and they prorate at \$30 a ton for anybody that was weighed in terms of tons. He said Clayton County charged \$28 ton/\$8 pickup truck. He said Coweta charged \$30/ton for all vehicles. He said DeKalb County \$30/ton for all vehicles; Douglas County \$30/ton. He said several Counties charged \$1.50 for 100 pounds which came to \$30/ton. He said Fulton County charged \$5.25/grass and \$14.45/logs per ton; Cobb County \$30/ton; Spalding County \$26.40/ton with \$15 minimum; Pike County \$15.80/1/2 ton and \$31.60/ton.

Mr. Pullium read a quote from the auditors in reference to the leaf and limb "The solid waste fund is continued to need operating transfer from the general fund in order to support its operations. The solid waste fund required \$128,000 transfer from the general fund in the most recent fiscal year. The solid waste fund does not charge users to dump trees and limbs." Grant -Thornton Limited Liability Company, October 31, 2003.

Mr. Pullium said the auditors followed up their quote with a recommendation: "We recommend the County consider assessing a fee in order to cover the cost of tree and limb disposal."

Chairman Dunn commented when it said that we did not charge users we do charge commercial users. We do not charge individual citizens.

Mr. Pullium said that was correct.

Mr. Salmons said they were going to show the Board a few pictures of the debris that was currently out at the landfill. He said one thing that did not take was stumps and root wads. He said the dirt in them fouled up the grinding operation. He said the mulch shown was given away and utilized in the Fayette County parks and facilities.

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Mr. Pullium said in summary, the County was from an operational standpoint was losing money on the leaf and limb operation. He said they felt a user charge was appropriate for this service and was evidenced by the fact that all the metropolitan counties were charging for this service. He said the independent auditors had recommended establishing a fee. He said the staff recommended establishing a fee to cover the operational costs. He said in the absence of such a charge the County's general fund would be required to pay the bill and would impact each taxpayers property tax bill. He said in the absence of a user charge a portion of the tax proceeds will not be available vital County services such as public safety, transportation, public works and recreational programs. He said by establishing a tipping fee the users of the services will pay only the cost necessary to process the leaf and limb material. He said the general fund would not be required to subsidize the solid waste fund leaf and limb operation.

Mr. Pullium said they were, tonight, asking the Board to approve a tipping fee for leaf and limb operations.

Commissioner Frady said he had several comments. He said that it was said that no government was handling yard waste that did not charge. He said Peachtree City handled it and they did not charge. He said if there was a charge it would force people to do more burning.

He asked if they charged for mulch. Mr. Pullium said they did not. Commissioner Frady asked him why they did not. Commissioner VanLandingham said they could not give it away.

Commissioner Frady said he was not going to support the recommendation. He said he was just trying to say why. He asked Mr. Pullium to give him a breakdown. He said he thought they had met on this a week ago. Commissioner Frady said the \$101,000 that was listed as a deficient for that fund. He said he thought it was credited back to the fact that monitoring was being paid out of that fund. He said it was broken down that leaf and limb was only costing \$35-\$36,000/year. He said after the credit back of other things in that fund other than leaf and limb.

Mr. Pullium said the information presented tonight was accurate and this fund was losing money.

Commissioner Frady told Mr. Pullium that in a meeting they had he was told that the monitoring fee was included in this fund and it broke down to the fact that the limbs were only costing about \$37,000. He said he asked Mr. Pullium to put those numbers down and give them back to him.

Mr. Pullium said he wanted to pull back up the numbers they had presented tonight and detail them out.

Commissioner Frady said he did not want those numbers. He said he wanted to know what all went into the \$101,000.

Mr. Pullium said there was \$106,000 in expenses for the total operation out at the landfill.

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Commissioner Frady said that Mr. Pullium said he had a net loss of \$101,000 in the fund. He said the numbers Mr. Pullium gave him included monitoring fees for the entire operation and other fees for the entire operation and Mr. Pullium went over them and gave them back to him that day while they were talking that day. He said the final numbers of leaf and limb were about \$35-40,000.

Mr. Salmons said the grinding costs alone were \$40,000 a year. He said this was not counting the labor and equipment costs associated with that.

Mr. Pullium said there were grinding costs of about \$40,000, labor cost of around \$10,000 and machine cost of \$30,000 just for the leaf and limb. He asked Commissioner Frady if he believed that the cost was only \$40,000.

Commissioner Frady said he meant the cost to operate. He said he was not talking about the cost and income. He said you make some income off of it. He asked what did it cost to monitor those wells?

Mr. Pullium said that was a cost to monitor the wells and that was about \$30,000 a year.

Commissioner Frady said that was in this \$101,000.

Commissioner Frady said he felt they needed to get the numbers together that he was given so everyone else could see them.

Chris Cofty said those costs were not reflected in this presentation. He said the loss would be obviously greater if they had reflected the cost of monitoring. He said this was strictly the leaf and limb.

Commissioner Frady said what was reflected in this presentation was that this operation was costing \$101,000 a year loss and in that loss also were other things, not just leaf and limb.

Mr. Cofty said it was just leaf and limb.

Commissioner Frady said he would like to see the numbers he was given at the meeting he had with Mark and Chris.

Mr. Pullium said another important thing to note was that a majority of other governments are charging \$30 and that was approximately the cost which had been derived by us and several other government entities. He said that was how much it cost, not to make a profit, but to break even.

Commissioner VanLandingham asked why was Fayette County taking leaf and limb debris from individuals out side of the County.

Mr. Pullium said they were being charged.

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Commissioner VanLandingham said this was adding work to our personnel and machinery.

Mr. Pullium said that was a legal question the County attorney would have to answer. He said he was not sure we could tell someone whether they could or could not use our facility.

Attorney McNally said Fayette County was not required to take trash from other counties.

Commissioner VanLandingham stated that all citizens were not using the landfill, but all citizens were also not playing baseball and softball but they were helping to subsidize that program. He said that was not a valid point.

Commissioner VanLandingham said a pickup truck was 3.5 cubic yards. He asked what was the grinding fee for 3.5 cubic yards.

Mr. Salmons responded that the County paid approximately \$1 a cubic yard to grind.

Commissioner VanLandingham stated that if we were paying \$1/cubic yard and a pickup truck was 3.5 cubic yards then it would cost \$3.50 to take care of the grinding.

Mr. Salmons said that was just the grinding and did not account for any labor or equipment cost.

Commissioner VanLandingham asked if the other counties were maintaining an equal budget as far as expense and income. Are they making money or losing money?

Mr. Salmons said he could not address that. He said he did know that Clayton County operated the landfill as one total fund and their charges for their vegetative debris was identical to their charges for solid waste. He said they were one of the models used because they were located close to Fayette County.

Commissioner VanLandingham said his feeling was that he would rather not do this, this is one thing our citizens had that they were not paying double for. He said if the Board did see fit to do this, he would like to see another fee schedule of \$2/car and \$4/truck. He said he would rather start out on the low end and adjust if needed to later. He said he could not bring himself to adopt this policy. He said he understood what the auditors said, what the staff was trying to do. He said the program was well presented but he would not accept this too readily.

Mr. Salmons said he understood and the decision of the Board is what they would live with.

Commissioner Wells said she did not have a problem with instituting this. She said user fees were very appropriate in government. She said we had to make sure we were covering the cost of government. She said she did not see where the citizens were going to be paying double for this. She said everyone was paying through taxes for all of the services provided here. She said the people using the landfill, bringing in items for free, were getting a freer bit of apple per say than those of us who did not use it. She said if we implement this, she saw pickup loads

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were suddenly going to be much larger. She said she saw people would become more cost conscious. She said when taking items to the landfill we needed to be more conscious as to what we were putting in to it. She said when it is free people tend to take it for granite. She said we charge business licenses, building permits, hunting permits and every taxpayer is paying for the facilities, but when citizens want to use that we charge a user fee. She said she did not have a problem when citizens paid a user's fee. She said government was there to make sure that all citizens were paying equally and fairly for their particular usage and she did not feel that everyone should carry the load for a few.

Commissioner Wells said charging a tipping fee was in keeping with what others were doing. She said if we started off charging a lower fee and came back and raised the fee, people would see that as we were jacking the prices up on a regular basis. She said this was not outlandish. She said Fayette County was an affluent County and she did not think we had to be a stupid County by saying things were free. She said user fees were fair and equitable.

Commissioner Wells made a motion that the Board adopt a users fee for leaf and limb debris disposal at the landfill. Commissioner Pfeifer seconded the motion. Discussion followed.

Commissioner Pfeifer said he was going to make a motion but he first wanted to listen to what the other commissioners had to say. He said the documentation he had received made sense to him. He said he agreed with Commissioner Wells that user fees made sense. He said he had heard there was some objection and he wanted to hear what that was. He said he did not have a problem charging a user fee. He said there was a cost here, we could argue about what exactly that cost was, but there was a cost. He said these rates compared to other counties looked fairly low. He said he would use the landfill. He said he was surprised that we were not already charging a tipping fee. He said he was aware the mulch was free. He said he did not know how you could monitor other counties using the landfill. He said he could if a commercial landscaping truck came to the dump from Clayton County it did not mean that the stuff on the truck was from Clayton County. He said he did not know how you could prove where a bush came from. He said we are recovering from that by charging commercial rates for commercial usage.

Commissioner VanLandingham said he had one other point he wanted to make. He said if we did impose a fee, we would see our back roads and vacant lots were going to be dumped on rather than the debris taken to the landfill. He said it was already happening with garbage.

Commissioner Frady said he did not know if we had user fees except for something chosen to do such as recreation. He said when you charge for something that people had no choice in, people have to do something with their debris, there was a difference in user fees.

Chairman Dunn said that some of the data shown was inconsistent. He said the auditor's comments were cited about the solid waste fund. He said that was the entire solid waste fund. He said what was being talked about tonight was only a part of the solid waste fund.

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Chairman Dunn said there was some confusion as to what numbers were included and not included.

Chairman Dunn addressed Commissioner Pfeifer to tell him he was not here when the contracts were done for the new dump and one of the things that we said at that time was that we were not going to charge people. He said that was part of the public discussion. He said things could change, and if this was becoming a very difficult for the County, we needed to rethink that decision.

Chairman Dunn said he felt they needed to find out the precise numbers. He said, for instance, we were talking about carloads and truckloads and yet the discussion was in cubic feet of tonnage. He said that did not relate well. Chairman Dunn asked how many cars were projected at \$4 a piece that would come through the dump.

Mr. Salmons said the projection he made, because he did not know a good number for that, was basically made by using pickup trucks. He said he did not use cars.

Chairman Dunn asked how did they arrive at the price.

Mr. Salmons said they arrived at the price because it reflected the exact same price that they charge for solid waste which is the practice for many of the counties.

Chairman Dunn asked if there was no way to show how much an individual would contribute to solving this problem in either cars or trucks.

Mr. Salmons said he could not.

Chairman Dunn said he was aware of another problem was that we charged commercial haulers but some commercial haulers were bringing their debris to the dump in cars or pickup trucks. He said we had not figured out a way to control that. He said this was a problem that we had not figured out how to control. He said we did not know if we could control this problem by getting everyone to pay what they should that we would not have a deficient of funds.

Chairman Dunn said he was suggesting that the Board needed the additional information that Commissioner Frady had requested. He said he was not prepared to vote on this today. He said it needed to be determined how much of this fund was going to be absorbed by commercial people opposed to the individual citizens. He said he was against the fee but he understood we did not want to loose money in a government enterprise. He said we did not want to make a profit either.

Commissioner Pfeifer said that we did charge people to dump garbage in the landfill which they could easily dump that on the side of the road.

Commissioner Wells withdrew her motion and Commissioner Pfeifer withdrew his seconding of the motion.



Commissioner Wells asked for a time line on this issue.

It was the consensus of the Board to table this item until the next scheduled Board of Commissioner's Work Session on Wednesday, May 5, at 3:30 p.m.

**DISCUSSION OF REQUEST BY THE DEPARTMENT OF FAMILY AND CHILDREN SERVICES THAT THE COUNTY PARTICIPATE IN THE TANF WORK PROGRAM (TEMPORARY ASSISTANCE TO NEEDY FAMILIES).**

Amelia Eubanks, Employment Services Case Manager of Fayette County Department of Family and Children Services (DFCS), stated that part of her job was to work with the people who receive the TANF service. TANF is the Temporary Assistance for Needy Families. She said this was renamed from the old welfare program. She said the Federal Government was mandating DFCS to work with the people who receive TANF and try to place them in a work activity so that they may be productive in the society. She said these were people who probably had some type of training but had been laid off for various reasons.

Ms. Eubanks said they were asking the Commissioners to approve placing of these people in various County positions.

Commissioner Wells asked County Administrator Chris Cofty if he had looked at this program and would it be something that would be advantageous to the County or would it be a burden?

Mr. Cofty said he had looked at it and felt it would be advantageous to the County. He said if we brought someone on and trained them and then a position became available he would like to hire that person because it would save the training.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, authorizing the County to participate in the TANF (Temporary Assistance to Needy Families) program. Discussion followed.

Commissioner Pfeifer commented that he was familiar with what the department had done in the state over the past several years. He said he thought it was fantastic. He said the not only the reduction in the cost to the taxpayer, but more important the increase in self-worth on part of the those people who were welfare recipients and now were participants in our society.

Chairman Dunn asked if we would have to do evaluations on these people. Ms. Eubanks replied that they would be doing the evaluations. Chairman Dunn asked how could they do that if they were not there. Ms. Eubanks said the supervisor would have a form to fill out and if there were any questions they could call her. Chairman Dunn asked how often this evaluation would be done and Ms. Eubanks replied once a month. Chairman Dunn asked if there was a problem with a person working for us from TANF how hard would it be to get this person out of our employment. Ms. Eubanks said all it would take would be a phone call to her.

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Commissioner VanLandingham said that he thought this was one of the best things that had happened. He said it would help lend dignity to the lives of those who have lost their jobs. He said he appreciated the opportunity for the County to be able to be a part of this program.

Chairman Dunn asked if they began to work for the County and for some reason we had to let them go that would hurt the benefits they get now. Ms. Eubanks said it would not. She said what they are doing now was working to give back to the community and they would get credit for that. She said if they did an unsatisfactory job they would look somewhere else for them a place to work.

Chairman Dunn asked how many people did they have right now that they were trying to find work for. Ms. Eubanks said they had between 35 - 50 people.

Motion carried 5-0. A copy of the work program, 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 Frady, to approve the Consent Agenda as presented. Motion carried 5-0.

**DENIAL OF TAX REFUND TO U.S. BANCORP:** Approval of recommendation to deny a request for a tax refund to U.S. Bancorp in the amount of \$1,328.43.

**TRANSFER OF FUNDS FROM GENERAL FUND TO SHERIFF'S DEPARTMENT CID:** Approval of request to transfer insurance reimbursement from General Fund to Sheriff's Department-Criminal Investigations Division budget. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**AWARD OF CATERPILLAR 621 PAN REPAIR WORK TO YANCEY BROTHERS:** Approval of recommendation from Purchasing Director, Tim Jones, to authorize Yancey Brothers to perform the Caterpillar 621 pan repair work in the amount of \$31,504.21. A copy of the bid, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**APPROVAL OF BOARD MINUTES:** Approval of March 11, 2004 and March 25, 2004 Board of Commissioners Meeting Minutes.

**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.

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### **STAFF REPORTS:**

**MARK PULLIUM:** Mark Pullium, Director of Business Services, recommended to the Board the renewal of the Shell Energy Agreement. He said this was the County's natural gas agreement. He said the County had the opportunity to renew this agreement at the same therm rate that we had last year which was .69 per therm. He said the staff recommended that the Board renew this agreement and also the Board authorize the Chairman to execute the agreement.

Chairman Dunn asked if it would be .76 if we did not lock the .69 rate in. Mr. Pullium said that was correct.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, authorizing the Chairman to execute the Shell Energy Agreement. Motion carried 5-0. A copy of the agreement, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**MARK PULLIUM:** Mark Pullium, Director of Business Services, informed the Board that the new web page was up and running. He said they had received a lot of favorable comments. He said that a lot more departments had participated and he wanted to thank the departments for their participation. He also thanked the Board for letting us create the new website.

Commissioner Pfeifer asked if there had been a change in the GIS map portion of the website.

Mr. Pullium said he knew that in the beginning there was a problem in getting over to the GIS website. He said there was a problem with the link the first day that was an internal problem and has since been corrected. He said the staff is also identifying issues to improve the GIS and will bring some proposals to the Board in the near future that will make our mapping even better than it is now. He said one of the areas the staff is lacking in is training and expertises in this area and hope they can address this need in the upcoming budget.

**COMMISSIONER VANLANDINGHAM:** Commissioner VanLandingham said he did not have a staff report but he wanted to recognize Aaron Wheeler, the new Director of Zoning, and officially welcome him to Fayette County.

**ATTORNEY MCNALLY:** Attorney McNally requested an Executive Session to discuss six legal items.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to adjourn to Executive Session to discuss six legal items. Motion carried 5-0.

### **EXECUTIVE SESSION:**

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

Motion was made by Commissioner Frady, seconded by Commissioner VanLandingham, authorizing Attorney McNally to proceed in this matter. Motion carried 5-0.

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

Motion was made by Commissioner Wells, seconded by Commissioner Frady, authorizing Attorney McNally to proceed in this matter. Motion carried 5-0.

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

There was no action taken on this matter.

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

There was no action taken on this matter.

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

There was no action taken on this matter.

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

Motion was made by Commissioner Wells, seconded by Commissioner Frady, authorizing Attorney McNally to proceed in this matter. Motion carried 5-0.

**EXECUTIVE SESSION AFFIDAVIT:** Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, authorizing the Chairman to execute the Executive Session Affidavit affirming that six legal items were discussed in Executive Session. Motion carried 5-0. A copy of the affidavit, identified as "Attachment No. 5", follows these minutes as is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 5:20 p.m.

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Peggy Butler, Chief Deputy Clerk

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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 5<sup>th</sup> day of May 2004.

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Peggy Butler, Chief Deputy Clerk