

The Board of Commissioners of Fayette County, Georgia met in Official Session on July 22, 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
A.G. VanLandingham

COMMISSIONER ABSENT: Peter Pfeifer

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.

WAL-MART PRESENTATION:

Chairman Dunn stated that Phyllis Harris of Juvenile Court and Michelle Ivey of the Victim Witness Assistance Program would be receiving the check that would be presented by Theresa Thaxton and Ms. Whitlock of the Fayetteville Wal-Mart.

Chairman Dunn remarked that Wal-Mart had been contributing to this community for a long time in many ways that the average person in the county just did not know. He said for several years Wal-Mart had helped the county out in the Animal Control center. He stated now there were two rooms that were going to be making people, who would be going through stressful times in their lives with their families and their children, to feel a lot better and more comfortable. He said children could stay in this room and play and have a normal day while other things were going on around them. He thanked Wal-Mart for everything that they had done for the county.

ORDINANCE NO. 2004-14 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-21:

Zoning Director Aaron Wheeler asked for the Board's consideration to discuss these two amendments together. He said this particular ordinance regarded the proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-21. M-1 Light Industrial District, B. Permitted Uses, 12. Car wash, 24. Furniture store, 31. Horse show, 44. Paint shop, automobile, 46. Parts store, automobile, 60. Rodeo, 67. Tire recapping, 70. Utilities, public facilities, and C. Conditional

July 22, 2004
Page 2

Uses, 5. Kennel (See Animal Hospital, etc). He said the Planning Commission recommended approval 5-0.

ORDINANCE NO. 2004-15 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-19:

Zoning Director Aaron Wheeler remarked that this ordinance regarded the proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-19. C-H Highway Commercial District, B. Permitted Uses, 9. Bank, 20. Car Wash, 41. Furniture upholstery shop, 48. Horse show, 76. Rodeo, and C. Conditional Uses, 14. Kennel (See Animal Hospital). He said the Planning Commission recommended approval 5-0.

Mr. Wheeler remarked that both of these amendments were very close in nature. He said at a previous workshop as directed by the Planning Commission staff was working on some amendments prior to this. He said staff had noticed that some items were duplicated in the number sequence. He stated that staff had gone in under their direction and deleted some of those and clarified some of the other issues. He said there was a clarification in M-1 item 12 under car wash. He said these were not just car washes anymore but were detailing facilities. He said some things were duplicated. He commented on furniture store number 24 on page 2, and paint shop auto and parts store auto on page 4 were both covered under number 6. He said staff had gone under C-H and deleted a bank and would be bringing to the Board next month a definition for a financial institution.

Chairman Dunn said both of these amendment changes were public hearings and if anyone wished to speak in favor or against they could come before the Board at this time. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Frady questioned Item 70 under M-1 which was public utilities. He asked if public utilities still had the power of eminent domain.

Attorney McNally replied that public utilities still had the power of eminent domain. He said this was the area that the Board would like them to go in.

Mr. Wheeler remarked that this was something that was already in the ordinance and staff was just deleting one.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the above Amendments to the Fayette County Zoning Ordinance with the various changes as presented. The motion carried 4-0. Commissioner Pfeifer was absent. A copy of Ordinance No. 2004-14, identified as "Attachment No. 1", follows these minutes and is

made an official part hereof. A copy of Ordinance No. 2004-15, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2004-16 - ADOPTION OF THE DEPARTMENT OF NATURAL RESOURCES RULES FOR OUTDOOR WATER USE:

Water System Director Tony Parrott remarked that he had received a proposal from the Department of Natural Resources to adopt their official water restrictions that apply to the metropolitan Atlanta area. He said the restrictions limit outdoor water use even during a non drought period. He said the odd numbered residences would be allowed to use water outside on Tuesday, Thursday and Sunday and even numbered residences would be allowed to use water outside on Monday, Wednesday and Saturday. He pointed out that nobody could water outside on Friday.

Commissioner Frady remarked that this was a mandate. He pointed out that the county had already tried to use its own watering system and the D.N.R. would not allow this.

Mr. Parrott said the Water System had made that request but the D.N.R. denied it.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve the Department of Natural Resources rules for outdoor water use, discussion followed.

Commissioner VanLandingham felt the watering restrictions were great but he did not agree with some of the exceptions. He said he disagreed with a golf course being allowed to water its grass and not allowing a private citizen to water their grass. He felt there was a disparity there. He said he was aware that some of the golf courses used gray water and some of them did not.

Chairman Dunn remarked that first of all the county did not have a choice in this. He said the Board had sent a letter to the State asking that the county be allowed to remain on the current watering restrictions that were now in place. He said Fayette County had shown through conservation efforts here that the county had saved more waters than was the target for the D.N.R.'s restrictions in other areas. He said staff had asked the D.N.R. if these could be left in effect and the county be judged on its results rather than on the fact that they wanted every community to be the same. He said the State thanked the Board very much for its interest but said that Fayette County would go under the same restrictions as everybody else. He said he had spoken to Mr. Parrott about this earlier and he felt there was a potential where the county might use more water under the State's plan. He said when the county had put the restrictions

in a year and a half ago the county ended up with citizens using more water than they did under the old restrictions. He said the county would keep track of the water use and if it was

determined that there was an increase of water use because of these restrictions, then the county would try again in speaking with the State.

Commissioner Frady interjected that these new restrictions would begin immediately.

Commissioner Wells asked Attorney McNally if the county did not officially adopt these new restrictions what would happen.

Attorney McNally replied that the county would have to adopt these restrictions. He said the only thing that the county could do was to adopt a plan which would be more restrictive than their plan. He said if the county did not adopt their plan, then the State could withhold permits from the county and so forth.

Chairman Dunn said the State controlled withdrawal permits as well as discharge permits. He said if the county showed a water increase and could provide data to the State then another plan might be considered. He commented that it would now be difficult to set watering timers on sprinkler systems because there was one day that homeowners would have to skip a day.

Commissioner VanLandingham pointed out that this only applied to the county water system customers and did not apply to private water systems.

Mr. Parrott said this did not apply to private well systems.

The motion carried 4-0. Commissioner Pfeifer was absent. A copy of Ordinance No. 2004-16, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

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

SHERIFF'S DEPARTMENT - TRANSFER OF FUNDS: Approval of request from the Sheriff's Department to transfer \$1,051.35 from the general budget fund to the Fayette County Sheriff's Department budget category vehicle maintenance 10030323-522233. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

FINANCE DEPARTMENT - APPROPRIATION CERTIFICATE FOR FY 2005: Approval of request from the Finance Department for authorization for the Chairman to execute the annual Appropriation Certificate for FY 2005 for the ACCG-GMA Local Government Equipment Lease Pool. A copy of the Appropriation Certificate for FY 2005, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

NOW PLUMBING, INC. - AWARDED BID FOR SEPTIC SYSTEM: Approval of recommendation from the Director of Purchasing Tim Jones to award bid to Now Plumbing, Inc. for installation of a septic system to take care of problems for Public Works and the North Soccer Complex in the amount of \$121,397. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

FAYETTE YOUTH PROTECTION HOME: Approval of request from the Fayette Youth Protection Home for FY'2003's last quarter reimbursement in the amount of \$4,416. A copy of the memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

FAYETTE YOUTH PROTECTION HOME : Approval of request from Director of Business Services Mark Pullium to increase the FY'2004 budget by \$11,036 for additional expenses incurred for residential care at the Fayette County Youth Protection Homes. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

RECREATION DEPARTMENT AND FAYETTE COUNTY YOUTH SOCCER LEAGUE AGREEMENT: Approval of Agreement between the Recreation Department and the Fayette County Youth Soccer League executed by its new president and authorization for the Chairman to execute same. A copy of the Agreement, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meetings held on June 24, 2004 and July 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:

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

Chairman Dunn requested an executive session to discuss one legal item.

July 22, 2004
Page 6

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner Frady to adjourn to executive session to discuss six legal items and one real estate matter. The motion carried 4-0. Commissioner Pfeifer was absent.

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

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed in this matter. The motion carried 4-0. Commissioner Pfeifer was absent.

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize Attorney McNally to proceed in this matter. The motion carried 4-0. Commissioner Pfeifer was absent.

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

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed in this matter. The motion carried 3-1 with Chairman Dunn voting in opposition. Commissioner Pfeifer was absent.

LEGAL: Attorney Dennis Davenport discussed a legal item with the Board.

On motion made by Commissioner VanLandingham, seconded by Commissioner Wells to authorize Attorney Davenport to proceed in this matter. The motion carried 4-0. Commissioner Pfeifer was absent.

LEGAL: Attorney Dennis Davenport reviewed a legal item with the Board.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize Attorney Davenport to proceed in this matter. The motion carried 4-0. Commissioner Pfeifer was absent.

LEGAL: Attorney Dennis Davenport discussed a legal item with the Board.

The Board took no action on this matter.

LEGAL: Chairman Dunn discussed a legal matter with the Board and the Attorneys.

The Board took no action on this matter.

July 22, 2004
Page 7

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to authorize the Chairman to execute the executive session affidavit affirming that six legal items and one real estate matter was discussed in executive session. The motion carried 4-0. Commissioner Pfeifer was absent. A copy of the Affidavit identified as "Attachment No. 10", 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 8:20 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 4th day of August, 2004.

Karen Morley, Chief Deputy Clerk