

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, January 27, 2005 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
Dennis Davenport, County Attorney
Carol Chandler, Executive Assistant
Peggy Butler, Chief Deputy Clerk

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

REZONING PETITIONS:

Commissioner Wells remarked at this point in the agenda the Board would consider requests for the rezoning of property in our county. She said the policy required at least two public hearings — the first before the Planning Commission and the second before the County Commissioners. She said at this hearing the Board would listen to the concerns of everyone, whether in favor or opposition to the rezoning petition. She pointed out when a rezoning petition was called, the petitioner or representative for the petitioner would be allowed 15 minutes in which to present the details of the request, followed by anyone who wanted to voice support for the request. She stated that the Chairman would then allow all those individuals who were opposed to the rezoning to stand for a moment to display their opposition. She said the Chairman would then ask those individuals who wished to come to the podium to speak to remain standing so the Board and staff could get an idea of how to allocate its time. She said the Board would allow up to 3 minutes for each speaker. She said when the persons speaking in opposition had finished, the petitioner would be given an opportunity to rebut any of the points raised. She remarked in fairness to all parties, the petitioner would be entitled to equal time to address the Commissioners as all those in opposition.

Commissioner Wells further remarked that these hearings were a part of the permanent record and speaking at the podium with the microphone helped staff with their task of recording comments and ensured everyone being heard. She remarked when it was an individual's turn to speak that they come to the podium, state their name and address and direct their comments to the Board only. She asked that after individuals speak that they sign the sheet that would be provided by the Marshal in order for names to be spelled correctly for the record.

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Commissioner Wells stated that the Board wanted to hear from everyone who had something to say and they would pay close attention to each point raised. She said it would not be necessary for the same point to be raised over and over. She thanked everyone for their participation and announced that the Zoning Administrator would begin introducing each request in the order they appeared on tonight's agenda.

Chairman Dunn announced that prior to starting the official business for the evening, there were two items on the Agenda to be tabled. He said Item F, which was a change to an ordinance, had been tabled until February 24. He said Item K, which was a discussion in regards to changing the water system agreement with Fayetteville, had also been tabled with no particular time frame. He said they were seeking additional information on both of these items.

PUBLIC HEARING:

PETITION NO. RP-029-05 REVISED PLAT:

Aaron Wheeler, Director of Zoning, read the consideration of Petition No. RP-029-05 for a Revised Final Plat, Lee's Mill Farms Subdivision, Joseph Linn and Carol B. Evitts, Sr. and David C. and Janet E. Roberts, Owners/Agents. The request is to add 1.045 acres to Lot 12 which consists of 2.332 acres for a total lot size of 3.377 acres. This property is located in Land Lot 18 of the 7th District, fronts on Farm Lane and Buckeye Road, and is zoned R-70. The Planning Commission recommended approval with two (2) recommended conditions (5-0). Staff states that the request complies with technical requirements.

Chairman Dunn asked if anyone was present who wished to speak on this matter.

David and Janet Roberts requested to speak.

David Roberts said about four years ago they had a pool built in their backyard. He said at some point last year they became aware that the pool had been constructed too close to the back property line. He said they applied for a variance and the variance was denied. He said it was recommended that they go to their neighbors and reach an agreement to purchase additional property. He said they did this. He said because their property was in a subdivision they needed to seek the approval of the Board to add that acreage.

Chairman Dunn asked if there was anyone who wished to speak in favor or against this request. No one spoke in favor or against this request.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Pfeifer, to approve Petition No. RP-029-05 with conditions. Motion carried 5-0.

Commissioner Pfeifer thanked the Roberts for taking steps to correct the situation.

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PETITION NO. 1136-05 REQUEST TO REZONE:

Aaron Wheeler, Director of Zoning, read the consideration of Petition No. 1136-05, Gin-Jer Investments, LLC, Owner, and Edwin Koons, P.E. of Hamilton Engineering & Design Co., LLC Agent, request to rezone 0.799 acres from A-R to O-I to develop office/training space. This property is located in Land Lot 70 of the 7th District and fronts on S.R. 54 West. The Planning Commission recommended approval with one (1) recommended condition (5-0). Staff recommended approval with one (1) recommended condition.

Edwin Koons of Hamilton Engineering spoke as the agent for Gin-Jer Investments, LLC. He said this request was to rezone a track of land which was now A-R and was used for many years as a residential development. He said this land fronts on the south side of Highway 54 opposite the Coweta Fayette EMC building. He said the request was to rezone it to O-I so that the owner could use it for his personal office which involved heating and air conditioning. He said the owner would also like to convert the garage to a small training facility for his employees. He said the request met the current zoning desires of the County and they had met with the Department of Transportation which was one of the conditions. He said the owner agreed to provide any additional right-of-way that was needed by the Department of Transportation with no cost to the County. Mr. Koons said the main thing they wanted to do was to improve the access. He said they had some schemes to talk with the Department of Transportation about but the main point was to improve the access where it would be safe.

Chairman Dunn asked if there was anyone who wished to speak in favor or against this request. No one spoke in favor or against this request.

Motion was made by Commissioner Frady, seconded by Commissioner Wells, to approve Petition No. 1136-05 with one condition. Motion carried 5-0. A copy of the staff analysis, investigation and recommended conditions, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. A copy of the Resolution and Ordinance, identified as "Attachment No. 2, follows these minutes and is made an official part hereof.

PETITION NO. RP-030-05 REVISED FINAL PLAT:

Aaron Wheeler, Director of Zoning read the consideration of Petition No. RP-030-05 for a Revised Final Plat, Tunis Trace Subdivision, Vincent Crow, Owner, and Carl Christensen, Agent. The request is to subdivide Lot 17 which consists of 7.84 acres into four (4) single-family dwelling lots. This property is located in Land Lot 54 of the 5th District, fronts on Marron Road and Inman Road, and is zoned R-20. The Planning Commission recommended approval with one (1) recommended condition (5-0). Staff states that the request complies with technical requirements.

Carl Christensen stated he currently had the land under contract and wanted to split the land into four lots and build four houses. He said he wanted to get out of the roofing business and into the building business.

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Chairman Dunn asked if there was anyone who wished to speak in favor or against this request. No one spoke in favor of this petition.

Four people stood in opposition of this position with one person requesting to speak.

Ken Ziegfield, 255 Marron Road, said his property bordered this property. He said Tunis Trace at one time had covenants which were now expired, that required people to have 3 to 4 acres and most people had 5 to 10 acres of land. He said by approval of this zoning it was approving that someone could build a 1200 sq. ft. house whereas most houses were 2000 plus sq. ft. homes in that subdivision. He said one of the lots sat on and bordered the creek. He said he did not see how anyone could build a house on that lot because it was all a flood plane.

Mr. Ziegfield said if the petition was approved, they would like to see that instead of four lots, a minimum of two lots be required and increase of the R rating value to at least a R45 rating of at least 1800 sq. ft. home. He said the people that lived there did not want their property values going down by someone coming in and building a 1200 sq. ft. house and that was what would be approved with a R20 rating.

Chairman Dunn clarified with Mr. Ziegfield that he did not object to subdividing the land as long as it was into larger pieces of property than what was presented. Mr. Ziegfield said that was correct. He said he felt with two lots of approximately four acres each there could be quality homes built that would meet the quality standards of the existing homes.

Chairman Dunn asked if anyone else wished to speak in opposition. No one spoke.

Chairman Dunn then asked the applicant if he wished to offer a rebuttal.

Mr. Christensen said the land was zoned R20 with one acre minimum and he was asking for well above that. He said there was a five acre lot that was split into two 2.5 acre lots about five years ago. He said the subdivision across the street, Bailey Oaks, consisted of one-acre lots. He said up the street there were six or seven one-acre lots. He said there was a five-acre track up the street that was split into five one-acre lots with a common drive. He said he would not have a problem building homes 1800 sq. ft. and above. He said that was his plan anyway.

Chairman Dunn asked on which lot was the creek predominant.

Mr. Christensen said the creek began on the property line of a 2.02 acre lot and cut across towards the back.

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Chairman Dunn asked if that was lot 17D. Mr. Christensen said that was correct. Chairman Dunn asked if that was the only lot that was affected by the stream. Mr. Christensen said that was correct.

Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to approve Petition No. RP-030-05 for the sake of discussion.

Commissioner Wells said she went back and got some history on Tunis Trace. She said since the final plat there had been 12 revisions. She said her general feeling was that when a subdivision was platted, and the standard was set for a certain size lot, the people who had built there had built there with the expectation that there would be a minimum size lot. She said everything surrounding this particular piece within that subdivision was at least 3 acres. She said on the side, which was another subdivision, was at least two-acre lots. She said she found it incredibly difficult to allow someone to come in and purchase a lot within an existing subdivision and increase the density of what the residents there had come to expect. She said if more land was being added to that subdivision and maintaining the expected density, that would be a different issue. She said if she were living there she would have the expectation that the lots would be comparable to hers. She said she would have a great deal of problem supporting this for those reasons.

Commissioner Frady said going back in history Tunis Trace had 75 lots, zoned R20, and one 4-acre lot was split into two 2 acre lots on May 4, 2000 that was approved by the Planning Commission and this Board.

Commissioner Pfeifer said he echoed Commissioner Well's concerns.

Commissioner VanLandingham said in being fair to the applicant, he would consider 3 lots that would be over two-acres per lot and this would be in keeping with what was done previously in the same subdivision. He said he did not know if the applicant would accept three acres or not. He said he would rather see two but he was willing to give three.

Commissioner Frady said that would be consistent to what the Board had done before. He said he would go for three, he did not want to put four in there.

Commissioner Pfeifer said he would support three.

Chairman Dunn said the issue here was not rezoning but changing an existing subdivision and adding lots and therefore adding density to an existing subdivision. He said the first item tonight was adding property to a lot in an existing subdivision and there was not opposition from the Board because that enlarged the lot of the individual asking to do that, but did not change the number of homes that would be in there. He said in effect, it reduced the density.

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Commissioner Frady asked if the petitioner would have to go back and reapply for another rezoning, or could this one be amended.

County Attorney Dennis Davenport said he would recommend the petitioner go back through the process because he had to put the three lots in place consistent with all of the requirements and just to approve three lots would not provide the actual survey itself.

Chairman Dunn called the question.

Motion failed 0-5 with Chairman Dunn, Commissioner Wells, Commissioner Frady, Commissioner Pfeifer and Commissioner VanLandingham voting in opposition.

PETITION NO. 1137-05 REZONING OF 7.31 ACRES:

Aaron Wheeler, Director of Zoning, read the consideration of Petition No. 1137-05, Community Fellowship Christian Church and Family Life Center, Owners, Darien Sykes of Sykes Consulting, Inc., Agent, request to rezone 7.31 acres from C-H and R-40 to O-I to develop a Daycare Facility. This property is located in Land Lot 199 of the 13th District and fronts on S.R. 314. The Planning Commission recommended approval with one (1) recommended condition (5-0). Staff recommended approval with one (1) recommended condition.

Chairman Dunn asked if the applicant would like to speak.

Darien Sykes said he represented Community Fellowship Christian Center. He said the church would like to rezone the property they already have. He said a portion of it was commercial and a portion of it was residential. He said they would like to rezone it to office and institution. He said the heart behind the project was the children. He said the children were looked at as a seed in the community. He said the people wanted to educate the children about God and the world.

Chairman Dunn asked if there was anyone who wished to speak in favor or opposition of this rezoning. No one spoke in favor or opposition.

Motion was made by Commissioner Frady, seconded by Commissioner VanLandingham, to approve Petition No.1137-05 with one condition. Motion carried 5-0. A copy of the staff analysis, investigation and recommendation, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. A copy of the Resolution and Ordinance, identified as "Attachment No. 4 ", follows these minutes and is made an official part hereof.

PETITION NO. RP-031-05 REVISED FINAL PLAT:

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Aaron Wheeler, Director of Zoning, read the consideration of Petition No. RP-031-05 for a Revised Final Plat, Sunshine Farms Subdivision, Robert Lewis, Owner, and Piedmont Land Surveyors, Inc., Agent. The request is to subdivide Lot 2 which consists of 7.64 acres into two (2) single-family dwelling lots. This property is located in Land Lot 230 of the 13th District, fronts on S.R. 314 and S.R. 279, and is zoned R-40. The Planning Commission recommended approval with two (2) recommended conditions (5-0). Staff stated that the request complied with technical requirements.

Chairman Dunn asked the applicant to come forward to speak.

Jason Rainwater said he was with Piedmont Land Surveyors and represented Robert Lewis, owner. Mr. Rainwater said Mr. Lewis agreed to dedicate any additional right-of-way needed by the Department of Transportation on Highway 314. He said he also agreed not to have driveway access to Highway 279. He said Mr. Rainwater agreed to both conditions.

Chairman Dunn asked if there was anyone who wished to speak in favor or opposition of this application. No one spoke in favor or opposition.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to approve Petition No. RP-031-05 with two conditions.

Chairman Dunn asked Mr. Rainwater who lived in the house that was there now. He answered that Mr. Lewis lived there.

Motion carried 5-0.

AMENDMENTS TO THE ZONING ORDINANCE REGARDING SINGLE-FAMILY DWELLING:

Consideration of proposed amendments to the Fayette County Zoning Ordinance, Article V. General Provisions regarding Section 5-9. Single-Family Dwelling, A. Additions To A Single-Family Structure presented by the Zoning Department. The Planning Commission recommended approval as submitted 5-0.

This item was tabled until the February 24, 2005 Board of Commissioners meeting.

AMENDMENTS TO THE DEVELOPMENT REGULATIONS REGARDING ARTICLE XII:

Aaron Wheeler, Director of Zoning, read the consideration of proposed amendments to the Fayette County Development Regulations regarding Article XII. Illicit Discharge and Illegal Connection Ordinance presented by the Engineering Department. The Planning Commission recommended approval as submitted 5-0.

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Phil Mallon, Fayette County Engineering Department, said this regulation was a model ordinance prepared by the Metropolitan North Georgia Water Planning District. He said adoption of the ordinance was mandated by two fronts. He said the first being recent state legislation and the second being from the County's general storm water permit which was derived from the Federal Clean Water Act. He said the primary goal of the ordinance was to help protect the public's health, safety and the environment by regulating spills, improper dumping and connections to the County's separate storm sewer system.

Commissioner Wells stated for clarification that this had been checked by the County's legal staff and they agreed with the few changes that we were allowed to make. Mr. Mallon said that was correct.

Chairman Dunn asked if there was anyone who would like to speak in favor or opposition of this ordinance. No one spoke in favor or against.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Pfeifer, to approve the amendments as presented. Motion carried 5-0. A copy of the Ordinance, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

NEW BUSINESS:

POSSIBLE CREATION OF EMS TAX DISTRICT:

County Attorney Dennis Davenport said in regards to the discussion of a procedure for a possible creation of a special EMS tax district, he wanted to brief the Board that in order to pursue this issue there needed to be some level of understanding of whether the cities in the county wanted to participate or not with respect to this particular district. He said there should be some request by letter asking the cities what they wanted to do. He said this was a way to start the process off if that was what the Board chose to do.

Motion was made by Commissioner Frady, seconded by Commissioner VanLandingham, for the County Attorney to prepare a letter to send to all cities in the County inquiring as to their interest in participating in a special EMS tax district. Discussion followed.

Chairman Dunn said this would impact every tax payer in the County. He said to make this change would be a serious change.

Chairman Dunn said he wanted to point out that there had been staff discussions held by Peachtree City and County staff. He said he understood that potential alternatives to doing as the city requested were discussed but the city had no interest in that.

Commissioner Pfeifer said he had a comment on the issue in general. He said that he did not believe that Peachtree City properly accounted for the real and true costs of the emergency medical services they were using now. He said he read the report, that Peachtree City paid for, that suggested the City consider consolidation with the Fayette

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County Emergency Services and he understood some things were right for consolidation and others were not. He said he understood the need for local policing if for no other reason than to enforce local law and ordinances. He said fire and emergency services did not differ because they occurred on one side or the other of an imaginary line which in this case would be city boundaries.

Commissioner Pfeifer said in his opinion fire and emergency services should be handled in the best possible way for the citizen who needed the service, and at the lowest possible cost to the taxpayer. He said Fayette County Emergency Services was the equal of, or better than, any emergency service in the state.

Commissioner Pfeifer said that would leave the issue of cost. He said common sense would tell us that consolidation of facilities, equipment and management staff could probably yield savings to the taxpayers, savings to the Peachtree City taxpayers and Fayette County taxpayers. He said if it did not, what possible reason would anyone have to consolidate anything, and we know that services in other locations in this state had been consolidated.

Commissioner Pfeifer said that neither the Peachtree City staff nor the Council had done an honest and accurate study of this issue which prevented any discussion of this issue on the facts. He said the truth was we did not have any proof of the correct course of action to take. He said we had the opinions of the Peachtree City Council. He said as a city taxpayer, which he was, and a citizen, he did not like something as important as emergency medical services and his taxes determined by their opinions. He said he wanted them to be determined by the facts.

Commissioner Pfeifer said when this item came before the Board he was not going to support a separate EMS district because they did not know the facts and the reason they did not know the facts was because Peachtree City government either did not know the facts themselves or they knew the facts and did not want to tell them.

Commissioner Frady asked if there was a study done in Peachtree City regarding emergency services and was it in existence.

Chairman Dunn answered that there was a study done and the staff had a copy and he had read it in detail. He said, as Commissioner Pfeifer suggested, there were several things that study recommended to the City Council for consideration which sounded reasonable to him. He said of course the Board did not dictate policy in Peachtree City.

Chairman Dunn said he felt this begged an issue. He said sooner or later the taxpayers of all of the jurisdictions were going to wonder why there were duplicate departments, duplicate chiefs, vehicles, offices, cars, etc. He said there would be a time when they would have to have serious discussions about seriously trying to consolidate some of the

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services, not all of them obviously. He said there were some services that lent themselves to consolidation and this was one.

Chairman Dunn said Fayette County had automatic aid with the other cities, but not with Peachtree City, and that had been a long standing position with Peachtree City that they chose not to do that. He said that it was in the report that they should consider doing automatic aid. He said there were other issues besides this special tax district. He said he was not in favor of this, but would have to look deeper into it, because the reality was the people of Peachtree City paid taxes to the County for EMS services. He said years ago Peachtree City opted out of those services.

Chairman Dunn said now if they created a separate tax district to compensate for that, they would affect every other taxpayer in all the cities because the County provided EMS to everyone except Peachtree City. He said this had far reaching ramifications to make the change. He said the Board did not want Peachtree City to be double taxed. He said some of them felt this was not the only way to solve the problem but it was the only way, at this point, that Peachtree City has indicated that they liked or were willing to discuss in earnest. He said that was what the Board had been told from the County staff that had meetings with Peachtree City staff.

Commissioner Frady asked for clarification of opted out. Chairman Dunn said Peachtree City opted out of EMS services provided by the County. He said they had the choice like everyone else but chose to get out and form their own EMS service.

Commissioner Frady said they had EMS service in Peachtree City for the 30 years he had been there. He said what happened was Peachtree City got its own ambulance license and that was not opting out of service. He said they also had an automatic aid contract with the County.

Chairman Dunn and Commissioner Wells both said Peachtree City did not have the automatic aid contract now.

Commissioner Frady said at one time Peachtree City served the seventh district of Fayette County. He said they had automatic response then. He said then they all got along real well, but things were not doing that well right now.

Commissioner Wells said she had been all over the place with this. She said this was a very difficult situation for her because the bottom line was that fair was fair and she wanted to be fair to every citizen in Fayette County. She said when it was first brought up and there was a threat of a law suit, her thoughts were maybe they could avoid a battle. She said she then looked at this more closely and decided that the real point was being missed. She said personally she did not care if they consolidated with Peachtree City or not. She said that was an issue for them to decide. She said they were ready, willing and able to do it, but Peachtree City was an entity and could make that decision.

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Commissioner Wells said what they failed to realize in all of this discussion was a couple of things. She said the first thing was that Fayette County was mandated by legislation to provide county-wide EMS coverage. She said it was not a choice but a requirement. She said municipalities had a choice of either taking advantage of the county-wide EMS or opting for a higher standard of service. She said Peachtree City had opted for a higher standard of service with the understanding that there were appropriate, higher costs for that.

Commissioner Wells said if Peachtree City decided at any point and time that they no longer wanted to provide this service, they could simply quite, but the County was mandated to provide it. She said the County had no option.

Commissioner Wells said to suppose that what had been presented was that the Peachtree City residents were not benefitting from the EMS service at all and therefore should not pay for it. She said that fallacy would be true if none of the citizens in Peachtree City ever crossed the boundaries into Fayette County. She said it was inane at this point and time, so much turf guarding, that if a Peachtree City resident went to Publix on Highway 54, that was technically located in Fayette County, and had a heart attack, even though the Peachtree EMS was closer, they would not respond to that person. She said we would not ask them if they had an ID to say whether they were a Peachtree City resident or not, we would say this was a human being who had a need and we would provide the service. She said if we were to presume that none of the Peachtree City residents ever crossed the borders, ever came into Fayette County, or ever got involved in an accident and needed EMS service, than we could say let's don't charge those good folks a dime. She said she was all about equity and fairness.

Commissioner Wells said if you take out a policy on your home for insurance and your neighbor takes out a policy for insurance and he decided he wanted better coverage or flood insurance, he does not suppose that his base coverage was exonerated because he had higher coverage. She said one of the reasons Peachtree City was a jewel in our crown was because the crown, which was Fayette County, was superb. She said Peachtree City could not exist with its standard of living as it did, and have the reputation of a good lifestyle, as it did, in any other county in this state. She said the county provided the base, the crown, for the jewels of our cities to sparkle.

Commissioner Wells said it became ludicrous when we started turf guarding. She said this had become an emotional, political issue which had no right to be in any logical, rational discussion.

Commissioner Wells said the second fact that needed to be kept in mind was that last year they responded within the County to over 200 Peachtree City residents with the County's EMS. She said the base service was there to provide for all of Fayette County. She said if you were a Peachtree City resident, a Fayetteville resident, Tyrone or where ever, the

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County was mandated to provide the service and we provided one of the finest in the state. She said for someone to say they opt out and should not have to pay for the base service you might as well succeed from Fayette County because it was that ludicrous.

Commissioner Wells said she could not support this. She said if they got sued they got sued. She said she believed they were doing the best thing, the right thing and the adult thing for the citizens in Fayette County.

Commissioner Frady said he did not think anyone said they were supporting anything.

Commissioner Wells said they were supporting going out and saying this was an option.

Chairman Dunn said he wanted to address a few things Commissioner Wells had said. He said the report that he read from the consultants that did the study for Peachtree City dated January 2004, would indicate that what the City had bought was not a higher level of service. He said the study referred Peachtree City to the way it was done in the County. He said the study also stated Peachtree City had more ambulances than required which cost the taxpayers more money than they needed to be paying. He said this information was from the Peachtree City analyst not a Fayette County analyst. He said this was from the people hired by you - the mayor and city councilman sitting in the audience. He said when they said they opted for a higher level of service they opted for what they wanted and not necessarily a higher level.

Chairman Dunn said Peachtree City had the right to do it the way they wanted to. He said the County had a right to react to it. He said he wanted to point out that if they were to do what the city had requested they were talking about effecting every other citizen in the County negatively. He said this was a difficult concept. He said if this Board wanted to seek the opinions of the other cities or not he was fine with that because at that point they were not making any decisions.

Commissioner Frady said there was no decision making, just trying to get input.

Commissioner Wells said when they started down that slippery slope they were saying that they were really going to look at this and consider doing this. She said this was an exercise in futility.

Commissioner Frady said his first thoughts on this was he would not support a tax district. He said he would be willing for the County to take over the EMS service and the fire service and operate both of them with no additional charge to the citizens of Peachtree City.

Chairman Dunn said he wanted to point out that if they were to consolidate the EMS service there would not be any additional charges. He said they had a fire district and did

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not pay fire taxes to the County so if the County took over both services they would have to pay fire tax but they pay the equivalent to the City anyway.

Commissioner Pfeifer said he agreed with Commissioner Frady that philosophically there should be a consolidation of medical services and fire services with the proviso to look at how much it was going to cost the taxpayers, the City and the County. He said that was precisely what had not happened and would not happen if we went ahead with this special district.

Commissioner VanLandingham said he agreed with most of the discussions but was opposed to creating a situation that would lessen the service, especially when it involved the life of any citizen in this County. He said to think the County would not respond to a Peachtree City resident that had an accident in the unincorporated area, was completely erroneous. He said there would be times when Peachtree City residents would use the County EMS service. He said the refusal to have the automatic response or mutual response, needed a lot of attention. He said this put people at risk when one responder could be a lot closer than another responder. He said in view of this, unless he missed a point somewhere, the legal right was with Peachtree City to do this.

Commissioner VanLandingham said in the discussions on consolidation he did not know everything that happened there but he did know that Peachtree City decided that they would maintain their own EMS and wanted a special tax district for that. He said he could not say if he would or would not support it, he would like to see what the letter said and he would like to see some reactions. He said serious consideration should be given to this because it affected the lives of every citizen in Fayette County. He said whether we wanted to recognize it or not we were all citizens of Fayette County. He said he was not sure of the motive behind the request for a special tax district.

Commissioner Frady said he agreed. He said the reason he made the motion was to get the information and try to find out what the motive might be.

Chairman Dunn said he wanted to clarify a few things. He said the County did service the people in Peachtree City, but to be absolutely fair, the emergency services in Peachtree City had also gone out into the County and serviced them. He said it was a matter of servicing upon request because they did not have automatic aid.

Chairman Dunn said automatic aid and mutual aid were two different things. He said automatic aid was when the closest unit available responded to service wherever the emergency was. He said that was the County's preferred mode of operating but was not Peachtree City's. He said mutual aid was a lesser agreement that upon request they would service one another, that is when they asked for aid. He said they both had asked for aid at times.

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Chairman Dunn said he would like to see an analysis done on the report Peachtree City had done because it indicated there were things Peachtree City could do with the County which would make it better for both and he did not see any serious consideration of those things being given.

Chairman Dunn said the County did not want to double tax anyone but they could not figure out what the cost of EMS was because the way the County and Peachtree City budgeted was somewhat different.

Chairman Dunn said he had so many problems with this issue, but the bottom line was he did not want to do something haphazard and inadvertently hurt the citizens of Peachtree City. He said the desires of the government officials were not the issues here. He said the only issue for him was that they were treating the person who paid taxes in Peachtree City fairly.

Commissioner Frady asked if they had any idea why the automatic aid was stopped. He said he would hate to know someone was laying out side of the city limits and Peachtree City would not respond.

Chairman Dunn said he did not know.

Commissioner VanLandingham said in reference to the report being talked about, Peachtree City had a right to reject any part of that report they wanted to and go another direction. He said the point was, it was not in just one place in the report, it was in several places where the fire and EMS could have benefitted from some cooperation with the County. He said to completely disregard that was a fallacy in the actions of the Board and he would ask that they go back and reconsider that and come up with something that would be better for the citizens and everyone concerned.

Chairman Dunn said the one thing he recalled in the study, and he did not have it in front of him, was that some of the County's units were making service calls almost double the number of the Peachtree City units and the analyst said Peachtree City only needed two ambulances in Peachtree City to provide the service and he knows that the City was considering four, and that would in itself cost the citizens of Peachtree City more money.

Chairman Dunn called the question.

Motion failed 2-3 with Chairman Dunn, Commissioner Wells and Commissioner Pfeifer voting in opposition.

LAKE HORTON WATER QUALITY:

Tony Parrott, Director of the Water System, said that several months ago the Board approved a consultant to do a creel survey at Lake Horton. The consultant did a report on

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the kinds of fish and vegetation growing in the lake. Mr. Parrott said hydrilla was growing in the lake and this type of vegetation was a type of weed that gave the treatment of water a problem by adding organics to the water as it went through its life cycle. He said they were looking at treating the hydrilla with grass carp. He said the recommendation from the Water Committee was instead of using a chemical treatment they would use grass carp at Lake Horton to handle the hydrilla.

Mr. Parrott said in taking care of the hydrilla it changed the habitat of the fish. He said they recommended stocking tread fin shad to add more fish for the bass and other fish.

Mr. Parrott said they would also like to add fish habitats since in taking care of the hydrilla they were losing fish habitat and they would replace it with something that was not adversely affecting the water quality. He said this would be an inert type of habitat for the fish.

Mr. Parrot said they were requesting approval to change the size limit on the large mouth bass to 14" to 18" to protect that size. He said when they had tournaments they could catch and release but could not keep that size because they needed to do something to balance out the current population.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to adopt the four items as discussed to maintain the water quality at Lake Horton.

Commissioner Wells said she liked the fact that they were doing a nonchemical treatment where possible since it was drinking water. She said it made good environmental sense to her.

Commissioner Pfeifer said he appreciated what they did at Lake Horton.

Chairman Dunn said he wanted to make sure people understood the water quality at Lake Horton was very good and these were proactive measures for the future.

Commissioner VanLandingham said he would rather see the grass carp in there than treat it with chemicals and have to clean that up.

Chairman Dunn called the question.

Motion carried 5-0.

RESOLUTION NO. 2005-05 - TAX LEVY FOR THE FAYETTE COUNTY BOARD OF EDUCATION:

County Attorney Dennis Davenport said as a result of the passage of the school bond issue in November of 2004, part of the process to have the bonds issued is to have the Board of Commissioners adopt a levy resolution that has been prepared for the Board's approval. This is basically the Board saying to make it part of the millage rate and is a general obligation bond of the school district.

Motion was made by Commissioner Frady, seconded by Commissioner Wells, to adopt the Resolution.

Chairman Dunn said he wanted to clarify that they were doing this as a requirement by the state. He said they were doing it on behalf of the Board of Education and were merely doing what was the will of the people in the last election who voted for this. He said this was not created by the Board.

Motion carried 5-0. A copy of Resolution No. 2005-05, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

JOINT RESOLUTION AMENDING WATER SERVICE AGREEMENT WITH FAYETTEVILLE:

Discussion of authorizing preparation of a joint resolution amending the Water Service Agreement with Fayetteville.

This item was tabled.

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

INSURANCE REIMBURSEMENT TO SHERIFF'S DEPARTMENT:

Approval of insurance reimbursement from General Fund to Sheriff's Department-Criminal Investigations Division budget account code 10030321-52223. A copy of this request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

GRANT PROPOSALS FOR DEPARTMENT OF HOMELAND SECURITY:

Approval to submit 2 grant proposals for Department of Homeland Security FY-05 Grant Program. A copy of this request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

2005 WATER COMMITTEE MEETING SCHEDULE:

Approval of the 2005 Water Committee Meeting Schedule. A copy of the schedule, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

AGREEMENT WITH FAYETTE COUNTY YOUTH WRESTLING ASSOCIATION:

Approval to enter into an agreement with Fayette County Youth Wrestling Association. A copy of the agreement, identified as "Attachment No. 10 ", follows these minutes and is made an official part hereof.

REAPPOINTMENT OF SAM BURCH TO THE BOARD OF ASSESSORS:

Reappointment of Sam Burch to the Board of Assessors for a six-year term commencing January 1, 2005, and ending December 31, 2010.

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:

COMMISSIONER VANLANDINGHAM: Commissioner VanLandingham said he had one legal item for Executive Session.

COMMISSIONER FRADY: Commissioner Frady said he had one potential legal item for Executive Session.

CHAIRMAN DUNN: Chairman Dunn said he had one legal item and one personnel item for Executive Session.

COMMISSIONER PFEIFER: Commissioner Pfeifer read an article from a local newspaper stating that Georgia students ranked 18th in the nation in the percentage of high school seniors who passed advanced placement courses for college credit.

EXECUTIVE SESSION: Motion was made by Commissioner Wells, seconded by Commissioner VanLandingham, to adjourn to Executive Session to discuss three legal items and one personnel item. Motion carried 5-0.

LEGAL: Commissioner VanLandingham discussed a legal item with the Board.

The Board took no action on this matter.

LEGAL: Commissioner Frady discussed a potential legal item with the Board.

The Board took no action on this matter.

LEGAL: Chairman Dunn discussed a legal item with the Board.

The Board took no action on this matter.

PERSONNEL: Chairman Dunn discussed a personnel matter with the Board.

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The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, authorizing the Chairman to execute the Executive Session Affidavit affirming that three legal items and one personnel item were discussed in Executive Session. Motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 11", 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 10:30 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 day of , 2005.

Peggy Butler, Chief Deputy Clerk