

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, August 11, 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 Venice, Acting County Administrator  
William R. McNally, County Attorney  
Dennis Davenport, Assistant County Attorney  
Carol Chandler, Executive Assistant  
Karen Morley, 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 OF DONATION FOR THE FAYETTE SENIOR CENTER BUILDING FUND:**

Jim Steinbach, together with representatives of Fayette Senior Services, presented a check in the amount of \$775,000 to the Board of Commissioners. He said these funds represented the money the agency had raised toward the construction of a new senior center. He thanked the Board and Staff for supporting and coming into partnership with Senior Services on this project. He said Senior Services would continue its efforts to work with all of the organizations that provide donations to the non-profit activity. He said Senior Services realized that this was not the end of their responsibility and they intended to continue working very hard.

Chairman Dunn remarked that in addition to the \$775,000 check, the county was also in receipt of a deed for a piece of property that was assessed at \$75,000. He said in addition to that there was an account that belonged to Senior Services with funds amounting to \$138,000 which was being transferred to the Board. He said the Board of Commissioners had agreed to begin construction as soon as possible on the senior center building. He said this was a true partnership. He said he also wanted to thank the entire Board for getting this project off to a start. He said this would be a wonderful place for seniors to congregate. He said Senior Services would be running the same programs and expanded programs in a much more modern and much larger building.

**RESOLUTION NO. 2005-09 - ADOPTION OF THE MILLAGE RATES FOR 2005:**

Director of Business Services Division Mark Pullium remarked that for the last four years from 2001 to 2005 Fayette County had actually reduced the property tax rates. He said that reduction had been approximately 22% in property tax rates. He said in 2001 the millage rate for the general maintenance and operations was 6.64 and the millage rate that the Board would adopt tonight for the general fund was 5.191. He said this represented a 21.82 % decrease in the property tax rate. He said the fire tax was 3.780 mills per thousand dollars of taxable value in 2001. He said in 2005 the fire tax would be 3.091 which was an 18.23% decrease in the millage rate.

Mr. Pullium further remarked on the calculation of tax savings from rollback of tax rates by comparing tax levy using the 2001 rate to the 2005 rate for the unincorporated county and the incorporated county. A copy of the chart, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. He remarked that the fair market value of a home of \$150,000 in the unincorporated county without the tax rollback would be \$489.74. He said with the rollback the same home would be \$389.25. He said the average savings of that homeowner for one year would be \$100.49. He commented that these taxpayers had been saving annually an amount similar to that figure. He said in addition in looking to the future these taxpayers would always yield that savings. He stated the taxpayers were seeing a savings year in and year out by these reductions that this Board and this Commission had instituted.

Mr. Pullium further remarked that a taxpayer in the incorporated part of the county with a fair market value of a home of \$150,000 would save \$70.83. He said the difference there was the fire tax. He commented that in the incorporated areas with the exception of Tyrone and Brooks there was no fire tax. He said these figures had nothing to do with city taxes and was strictly for the county portion of the tax bill. He said the savings on an annually basis was significant.

Mr. Pullium further remarked that while the current administration's policy was to avoid property tax increases, the average homeowner was still seeing real dollar property tax increases on their tax bill. He discussed a sample of a tax bill for a citizen in the incorporated portion of Fayette County. A copy of the tax bill, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. He said the rollbacks that this Board of Commissions has been instituting had been yielding savings.

Mr. Pullium remarked that the State of Georgia actually gets a portion of property tax on homes and property. He said the rate was 0.250 of a mill. He said there has not been a change in that figure from 2001 to 2005. He said this took a lot of hard work on the part of departments as well as the staff. He stated that department heads had presented budgets that were fiscally responsible and held the line on taxes. He said he was proud of each department and also proud to have the opportunity to work for Fayette County and this Board of Commissioners.

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Commissioner Frady asked Mr. Pullium what kind of an increase did he carry for the digest.

Mr. Pullium responded the increase in the digest was budgeted at 2.73%

Chairman Dunn asked Mr. Pullium what he was asking the Board tonight.

Mr. Pullium replied that he was asking for the Board's consideration to adopt Resolution No. 2005-09.

Chairman Dunn said the Board would be voting on the millage rates as they appeared in the newspapers and during this public hearing.

Chairman Dunn remarked that since this was a public hearing anyone wishing to speak in favor of against this matter could come forward and do so at this time. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to authorize the Chairman to execute Resolution No. 2005-09 adopting the millage rates for 2005. The motion carried 5-0. A copy of Resolution No. 2005-09, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

Chairman Dunn said the Board also wanted to congratulate staff for making this possible. He said county services had been maintained and even increased in different departments and this was greatly appreciated.

**ORDINANCE NO. 2005-18 - CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-2. EST ESTATE RESIDENTIAL DISTRICT:** The Planning Commission recommended approval 4-1.

Acting Director of Planning and Zoning Pete Frisina remarked that this item had been tabled from the July 28<sup>th</sup> Board of Commissioners' meeting. He said this was a five acre zoning district now that required five acre minimums of a 4,000 square foot home. He said it was similar to A-R but did not have the agricultural uses or the conditional uses that were included in A-R. He said to date nobody had used this zoning district and staff tried to come up with an incentive for this zoning district to be used in the place of A-R because of the situation where an A-R subdivision allowed many uses that staff felt were not conducive to a residential setting i.e. livestock.

Chairman Dunn pointed out that the Board had held the public hearing on this amendment change a couple of weeks ago and Commissioner Pfeifer had requested that this item be tabled to this meeting so that he could review some of the information.

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On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to adopt the proposed Amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST estate residential district, discussion followed.

Commissioner Frady questioned the figure for the 4,000 square foot home and felt this should be reduced somewhat.

Mr. Frisina replied that in the new ordinance amendment this was 3,000 square feet. He said the 4,000 square feet information was in the previous paperwork but the new proposed changes were included in this amendment tonight. He said 3,000 square feet was the figure being proposed.

Commissioner Pfeifer said he wanted to make sure that his motion was for the new proposed amendments that included the 3,000 square feet home and 160 feet lot width.

Mr. Frisina called the Board's attention to page 1 and requested an additional amendment. He asked for consideration to strike the last sentence in paragraph B.1. where it said the Yield Plan would add an additional month to the normal rezoning schedule. He said staff had determined that it would add more than one month.

Commissioner Pfeifer said he would like to amend his motion to include that 3,000 square feet was the size of a home with 160 feet lot width and also to strike the last sentence in paragraph B.1. and remove that sentence since it takes staff more than one month to review a yield plan.

Commissioner Wells said she would second the amended motion.

The motion carried 5-0.

The motion carried 5-0. A copy of Ordinance No. 2005-18, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**ORDINANCE NO. 2005-19 - CONSIDERATION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY COMPREHENSIVE PLAN TEXT AND MAP REGARDING LAND USE ELEMENT, AGRICULTURAL RESIDENTIAL AND THE LAND USE PLAN MAP LEGEND AGRICULTURAL-RESIDENTIAL (1 UNIT/5 ACRES):** The Planning Commission recommended approval (5-0). This item was tabled from the July 28, 2005 Board of Commissioners' meeting.

Acting Director of Planning and Zoning Pete Frisina remarked that in addition to the previous ordinance there were some land use amendments that would have to be made to accommodate this zoning change.

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On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to adopt the proposed Amendments to the Fayette County Comprehensive Plan Text and Map regarding Land Use Element, Agricultural Residential and the Land Use Plan Map Legend Agricultural-Residential (1 unit/5 acres). The motion carried 5-0. A copy of Ordinance No. 2005-19, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**DISCUSSION OF PROPOSED SALARY FOR JUVENILE COURT JUDGE:**

Director of Business Services Mark Pullium said a request from the District was received which was asking the Board of Commissioners to pay a 2% salary increase for the Juvenile Judge. He pointed out that another 2% would be coming from the State for this salary resulting in a total 4% increase. He said the total amount of money that would be involved from January 1, 2006 through June 30, 2006 would be \$439.

Chairman Dunn remarked that the issue was the new House Bill 334 that was passed in the last Legislative Session. He said the State determined that they would allow a 4% pay raise to the Juvenile Court Judges if the counties would give a 2% pay raise then the State would match that amount. He said if the county did not approve this 2% increase then the State would not have anything to match and there would be no increase. He said the question before the Board was if it wanted to give a 2% pay raise to State employees.

Commissioner VanLandingham remarked that this was not the first time nor would it be the last time that the State had asked the county to supplement State salaries. He said it was not right for the State to send down a request like this and put the County in this position. He felt the Board needed to send a letter to the Legislators to quit doing this. He said he did not agree with tying on a raise with the approval of the County. He said he saw no reason for the State to ask the County to supplement a salary increase for a State employee. He said these were State jobs and State controlled. He said the County had no control over these jobs but the State was asking the County to help pay the salaries.

Commissioner Frady said he could not support this request.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to deny this request, discussion followed.

Commissioner VanLandingham said he resented the State making the county be the "bad guy" in this situation. He said he had no problem with these Judges getting a raise but reiterated the fact that these were State employees and the State needed to give them the money.

Chairman Dunn remarked that the Board had many requests for State employees in and around this area during the budget cycle to give supplements for their State salaries. He

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said the Board had declined all of those requests and this request before the Board tonight was consistent with those decisions.

The motion carried 5-0.

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

**SHERIFF'S DEPARTMENT:** Approval of staff's recommendation for a budget adjustment for the Sheriff's Department to increase Criminal Investigations Division overtime regular \$1,456.48 for reimbursement from the U.S. Department of Treasury for fiscal year 2005. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**FLYNN FINDERUP, ARCHITECTS - FAYETTE SENIOR CENTER ARCHITECTS:** Approval to authorize Mallett Consulting, Inc. to direct Flynn Finderup, Architects to complete the Construction Documents for the Fayette Senior Center in the amount of \$104,850. A copy of the contract, identified as "Attachment No.7", follows these minutes and is made an official part hereof.

**EMERGENCY SERVICES - AMBULANCE APPROVED:** Approval of staff's recommendation to purchase additional ambulance from Ten-8 Fire Equipment, Inc. in the amount of \$125,759. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**REORGANIZATION CHANGES APPROVED:** Approval of reorganizational changes as proposed by the Acting County Administrator.

**TAX ABATEMENTS:** Approval of recommendations on various tax abatements. A copy of the various tax abatements, identified as "Attachment No. 9", follow these minutes and is made an official part hereof.

**TAX REFUNDS:** Approval of recommendations on various tax refunds. A copy of the tax refunds, identified as "Attachment No. 10, follow these minutes and is made an official part hereof.

**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.

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**Mike Smola :** Mike Smola remarked that he was Council Person #1 from the Town of Tyrone and was appearing on behalf of the Mayor and Tyrone Town Council asking for the Board of Commissioners' assistance in siting a recently approved library for the Town of Tyrone. He said the Town had received approval to begin construction of a library as soon as funding was received from the State. He said the State was anticipating floating bonds in the September/October time frame. He said they were already in the design process of the library. He said they first must declare what type of library it would be. He said next they meet with the State Library Board and they assist them in designing the interior of the library as well as what type of equipment facilities it would have. He said the last thing they would do would be to go out and get an architect to design the exterior of the building. He said the Town was looking at four sites. He said one option was to purchase a site in the center of Tyrone. He said they would need two acres for the library and it would be approximately \$150,000 per acre including site work or about \$300,000. He said if at all possible the Town hoped to avoid that expenditure and invest that money in the bricks and mortar of the library.

Mr. Smola remarked on the second possible location for the library which was in the back of the South Hampton Subdivision. He said when John Wieland was approved for that development he donated two acres to the Town on the old unpaved section of Swanson Road. He said that road would be paved within the next year or so but right now it was inaccessible and very far off the beaten path.

Mr. Smola commented on the third option for the location and that was Handley Park. He said this was the Park that the Town constructed on Handley Road. He said the front of it was a triangular piece of property and it was a difficult piece of property but it was more than two acres. He said they did have some concerns in that they were trying to keep Handley Park primarily recreational. He said this particular piece of property was very close to the train tracks and crossing that was at Handley Road and Old Senoia Road.

Mr. Smola discussed the fourth alternative for the location and that was the potential to locate the library in Shamrock Park. He said one of the things that they had discussed was what would happen to the existing recreational facilities that were currently there. He said there were three baseball fields there including a tennis court, a basketball court and a walking trail. He said as they constructed Handley Park they had built five new baseball fields and also two softball fields at Redwine Park. He said the Town had gone from the original three fields to seven fields and ten fields if the fields at Shamrock were included today. He said on a baseball field per capita ratio Tyrone has fields for approximately every 600 people in Tyrone. He said Peachtree City had 22 fields to support 35,000 people or a ratio of approximately one field for every 1,500 citizens. He said Tyrone had plenty of baseball and softball capacity and plenty of capacity to absorb future growth in the Town.

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Mr. Smola further remarked that the tennis courts and basketball courts would be moved to the back of Shamrock Park adjoining Tyrone Recreation center and they would add a second tennis center and also separate them so that the basketball court was on one side and the two tennis courts were on the other. He said the Shamrock Park walking trail that was there would basically remain unchanged and the lake that was there would also remain unchanged. He said they had been looking at some type of catalyst to energize the center of town to encourage further development to draw people into the center of Town rather than what was occurring on the S.R. 74 corridor side of Town. He said they felt this library could be the catalyst. He said the Council had commissioned Jerry Peterson to draw up a concept master plan for the look of the Town with the library as the centerpiece. He said Mr. Peterson had come back with a wonderful plan and it was an evolving process. Mr. Smola asked for the Board's consideration to look at the opportunity to lift the deed restriction on Shamrock Park. He said the Town would be honored and felt it would be a wonderful partnership between the Town and the County and would be the beginning of a wonderful downtown area for Tyrone.

Chairman Dunn asked Mr. Smola if he could get the Mayor or the Town Council to send the Board a request so this could be dealt with. He said this Board certainly understood the issues and they were a lot more complicated than they sounded tonight. He said the Board would be glad to consider this if the Town made a formal request in writing.

Mr. Smola said this would go on the Town's Agenda for next Thursday's meeting and hopefully have a letter to the Commissioners by next Friday.

**STAFF REPORTS:**

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

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

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

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize Attorney McNally to proceed and notify a certain party that the county had no interest in this matter. The motion carried 5-0.

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

The Board took no action on this matter.



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**LEGAL**: Attorney Davenport updated the Board on a legal item.

The Board took no action on this matter.

**LEGAL**: Attorney Davenport updated the Board on a legal item.

The Board took no action on this matter.

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

The Board took no action on this matter.

**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 five legal items were discussed in executive session. The motion carried 5-0. A copy of the Executive Session 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 8:30p.m.

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Karen Morley, 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 25th day of August, 2005.

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Karen Morley, Chief Deputy Clerk