Minutes

Board of Commissioners
March 8, 2012
7:00 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, March 8, 2012, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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Chairman Frady called the meeting to order.
Commissioner Hearn offered the Invocation.
Pledge of Allegiance.

Acceptance of Agenda: Commissioner Brown made a motion to accept the Agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

Public Comment:
Steve Smithfield: Steve Smithfield commented on the ongoing work around his property for the construction of the West Fayetteville Bypass. He expressed concern with the possibility of serious drainage problems as a result of the clearing of the property and runoff going into the County's water supply. He recommended landscaping along this roadway and remarked that this would add to the character and desired layout of Fayette County, and he asked for the Board's consideration of his request.

Denise Ognio: Denise Ognio thanked Commissioner Horgan for attending a Republican event that was held earlier today. She said it was much appreciated when Commissioners attend these events and hear what the citizens have to say. She also commented that the Republican Party holds its meeting every year at the same time and this year was no different from any other year. She said the Republic Party meeting was well advertised and also brought to the Board's attention by at least one of the Commissioners that the Commissioners' Retreat Meeting schedule was a direct

conflict with the Republic Party meeting. She said this was very disappointing that this Board still voted to have the Commissioners' Retreat on the same day as the Republican Party meeting. She said this makes her question this Board's Party loyalties and this was just one more reason to sweep the shelves in 2012.

Randy Ognio: Randy Ognio commented on consent agenda item #2 and questioned the delay in the renewal of this agreement. He felt this put the County at risk with all of the storms that had recently come through Fayette County. He commented on consent agenda item #7 and questioned the funding for this project. He also questioned item #1 under Old Business and noted the request referred to six vendors responding to the bid but none of these were listed in the backup information. He commented on item #5 under New Business regarding amendments to Article VI regarding tree retention, protection and replacement. He said this was amazing to him since the County had destroyed a path through the County land for the West Fayetteville Bypass. He remarked on item #8 under New Business regarding illicit discharge. He felt the Board was trying to put this item on the fast track and place it on the consent agenda for the next Board meeting. He noted that this was the first meeting that this item has been discussed. He said this was a very involved issue that might affect property values. He also expressed concern with the Commissioners' Retreat being scheduled on the same day as the Republican Party meeting. In his final comment, he commented on the continued construction of the West Fayetteville Bypass and the noise this has generated even until 9:00 p.m. He said this Board had no respect for the citizens of Fayette County.

Consent Agenda: Commissioner Brown requested to remove item #7 and item #8 for discussion. Commissioner Horgan made a motion to approve the consent agenda items 1-9 with the exception of item #7 and item #8 as presented. Commissioner Brown seconded the motion. The motion carried 5-0.

Amendment to Service Agreement between Fayette County and the Town of Brooks:

1. Approval of staff's recommendation to approve "Amendment to Service Agreements between Fayette County, Georgia and the Town of Brooks, Georgia", which makes all service agreements between the County and the Town expire on December 31 in the years in each agreement, and provides consistent renewal terms and conditions; and authorization for the Chairman to execute said Amendment pending review by the County Attorney. A copy of the request and backup, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

Georgia Emergency Management-Homeland Security Agreement:

2. Approval of staff's request to continue the Agreement between Fayette County and Georgia Emergency Management-Homeland Security as outlined in the Statewide Mutual Aid and Assistance Agreement; and authorization for the Chairman to execute the Agreement pending review by the County Attorney. A copy of the request and backup, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

Fire and Emergency Services - Repair of Weather Warning Siren System in Landmark Mobile Home Community and repair site on Ellis Road:

3. Approval of staff's request for authorization for $2,085 for a Radio Transfer Unit (RTU) to repair the Weather Warning Siren System in Landmark Mobile Home Community and $4,755 to repair the site on Ellis Road. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

Intergovernmental Agreement between Tyrone and Fayette County for the Valleywood Road Project:

4. Approval of staff's request to accept the proposed amendment to extend the term of existing Intergovernmental Agreement between the Town of Tyrone and Fayette County for the Valleywood Road Project from February 24, 2012 to February 23, 2013. A copy of the request and backup, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

Purchasing Department - District Attorney to acquire a Ford Crown Victoria by trading a Ford Taurus:

5. Approval of staff's recommendation to receive a 1999 Ford Taurus from the Prosecuting Attorney's Council of Georgia, and in trade, transfer to the Council a 2007 Ford Crown Victoria. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

Water Committee Recommendation - Bid Award to Mid-South Builders for Hwy 85/Bernhard Road Water Line Relocation:

6. Approval of Water Committee's recommendation to award the bid for Highway 85/Bernhard Road Water Line Relocation to the low bidder, Mid-South Builders, in the amount of $233,680; and authorization for the Chairman to execute the contract pending review by the County Attorney. A copy of the request, backup and contract, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Water Committee Recommendation - Bid Award to Headley Construction for the Lake McIntosh Park and Boat Ramp:

7. Approval of Water Committee's recommendation to award the Lake McIntosh Park and Boat Ramp to the low bidder Headley Construction, in the amount of $894,980; and authorization for the Chairman to execute the contract pending review by the County Attorney. A copy of the request, backup and contract, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

Commissioner Brown said he had nothing against this project and felt it was a worthwhile project. He questioned if this project could wait until the financial status of the Water System was discussed during budget review. Water System Director Tony Parrott replied that this project was included in the funds that were borrowed with a bond issue. He said they were the same amenities that were included in the Lake Horton project. He said from a budget point of view, this project was being done in the most economical way that an amenity could be put in.

County Attorney Scott Bennett interjected that the bond issue specifically relates to this project.

Commissioner Hearn asked if this project had come in under budget or was it what was expected. Mr. Parrott replied that overall the entire project was under budget. Mr. Parrott said the dam and spillway construction was more than $1 million under budget. He said everything was falling into place under budget including the wetlands projects. Commissioner Hearn said with the lack of construction projects that are currently available, he felt there would not be a better time for this contract work to be done. Mr. Parrott remarked that the contractor who was the low bidder was actually building the pump house and was already on the site.

Commissioner Brown said it was his understanding of the situation that if these funds were restricted then there was nothing that could be done. County Administrator Jack Krakeel interjected that these funds could not even be transferred into the general operating fund for the Water System. He said these funds were restricted for the Lake McIntosh project and that was what these bonds were issued for.

Commissioner Brown made a motion to approve consent agenda item #7 for approval of the Water Committee's recommendation to award the Lake McIntosh Park and Boat Ramp to the low bidder Headley Construction, in the amount of $894,980; and authorization for the Chairman to execute the contract pending review by the County Attorney. Commissioner Horgan seconded the motion. The motion carried 5-0.

Human Resources Policy No. 404.07 - Code of Ethics for County Employees:

8. Approval of County Human Resources Policy No. 404.07 which establishes a code of ethics for County employees. A copy of the request and backup, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

Commissioner Brown questioned if there had been an ethics ordinance for employees previous to this agenda item, and County Attorney Scott Bennett replied there had been a very sparse ethics policy and it was basic. Attorney Bennett said there were some Federal Grant requirements that have come up and the Purchasing Department brought this to staff's attention that the County needed to review the ethics policy. He said staff had taken the Federal requirements and implemented those into the same ethics policy that affects the Board of Commissioners and elected officials and drafted this ethics policy pertaining just to employees. He said it had also been changed as to the way it is structured. He said with elected officials it goes to the Ethics Board for review and there was different punishment options. He said with employees this has been structured as such that it would go through the chain of command and an employee found to be in violation of the ethics policy would be disciplined up to and including termination by their supervisor. He said the employee could then appeal this decision through the normal grievance process.

Commissioner Brown clarified that currently the County was running two parallel ethics codes one for employees and one for elected officials. He asked if the definition of a county official also applied to commissioners, authority members and board members. Attorney Bennett responded that this would apply to anyone who is appointed or elected.

Commissioner Brown also questioned the issue of employees being allowed to receive gifts up to $100. Attorney Bennett said this also applied to elected officials and Commissioner Brown said he understood. Commissioner Brown said he was questioning the necessity of that and if this was on a per occurrence basis.

Attorney Bennett replied that he was almost certain that this would be on an annual basis. He said this would typically relate to employees attending seminars and gift that are given out and not related to work. He said this was the recommended threshold made by the Association of County Commissioners of Georgia.

Commissioner Brown expressed concern with vendors who might be bidding on County contracts and services taking employees out to lunch and so forth. He said the vendors do this sort of thing for a reason. He said he would like to see this threshold lowered.

Attorney Bennett said this would be up to the Board and he would have no problem with whatever the Board wanted to do. He said if this amount was lowered it would be the Board's decision.

Commissioner Brown said he would be in favor of $50.

Chairman Frady asked if any of the Board members would be in favor of changing the amount from $100 and there were no comments by the other Board members. Chairman Frady asked for the pleasure of the Board in this matter.

Commissioner Horgan made a motion to approve consent agenda item #8 regarding County Human Resources Policy No. 404.07 which establishes a code of ethics for County employees. Commissioner Hearn seconded the motion, discussion followed. Commissioner Brown said he would vote in favor of this with reservations regarding the $100 amount. The motion carried 5-0.

Minutes:

9. Approval of minutes for Board of Commissioners' meeting held on February 9, 2012 and Board of Commissioners' Special Called Meeting held on February 14, 2012.

Old Business:

1. **Consideration of staff's recommendation to renew Proposal No. P764 to Jacobs Engineering Group, Inc. to conduct post-closure environmental monitoring and compliance activities at the two closed Fayette County solid waste facilities on First Manassas Mile Road for a 12-month period, in an amount not to exceed $80,270:**

Director of Stormwater Vanessa Birrell remarked that staff was still performing tasks under the current contract that was approved by the Board late in 2010. She said the Northside permit boundary modification had not been done under this contract and staff was waiting on some of the outcome of the groundwater methane results before this process is initiated. She remarked that Jacobs Engineering Group was the lowest respondent out of the six bids that were received in late 2010.

Commissioner Brown remarked that this indicates that this is a renewal of a contract but he felt it appeared to be more of an extension because they were not able to complete everything in the previous agreement.

Ms. Birrell remarked that the tasks included in the contract were for yearly methane monitoring and groundwater monitoring. She noted that in regard to the Northside boundary permit modification they have already accomplished the greenhouse gas report. She felt this contract was both an extension and a renewal.

Commissioner Horgan questioned what the County could expect after the 12-month period. He asked if there would still be $80,000 monitoring bills or would this be reduced. Mr. Birrell replied that this amount could go down and she noted that the County was currently in negotiations with the E.P.D. to remove some of the methane monitoring points on the Southside. She said this was in regard to some of the research that Jacobs Engineering had done to determine if all of the monitoring points that the previous report indicated were needed were actually required.

Commissioner Brown questioned if there would be any type of rebates on previous fees since everything in the previous contract with Jacobs was not fulfilled. Ms. Birrell replied that in the previous contract the County was paying per task.

Chairman Frady asked when this contract before the Board would become effective and Ms. Birrell said it would become effective on the date that the Board approves it. Chairman Frady asked when the previous contract would expire and Ms. Birrell replied that the last addendum to this contract expires on September 28, 2012.

County Administrator Jack Krakeel clarified that one of the tasks under the previous contract was to develop a permit boundary modification report for E.P.D. He said in order to develop that report there are a number of readings that have to be taken and are required because the modification permit was based on those readings. He said they have not been able to obtain all of those readings consistently that they need to apply for that modification permit. He said the company needs a longer time period to obtain those readings otherwise the modification permit could be more stringent without getting all of the values. He said this was the task that Jacobs is continuing to work on which was part of the prior

contract. He pointed out that the new contract was for continuous monitoring and reporting requirements to E.P.D. and was not paying for the testing twice.

Commissioner Horgan made a motion to approve staff's recommendation to renew Proposal No. P764 to Jacobs Engineering Group, Inc. to conduct post-closure environmental monitoring and compliance activities at the two closed Fayette County solid waste facilities on First Manassas Mile Road for a 12-month period, in an amount not to exceed $80,270. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the request and backup, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

2. Consideration of the Memorandum of Understanding with Jefferson Woods Subdivision and a request for $8,000 from the County's General Fund to cover the cost of the path repairs; and authorization for the Chairman to execute the Memorandum of Understanding pending review by the County Attorney:

Director of Community Development Pete Frisina remarked that the Board had discussed this item in June of 2011. He said this item was regarding the Safe Routes to School path that was now under construction along Redwine Road which ties into a Peachtree City path in the area of Preserve Place. He said staff was trying to facilitate the passage through the Peachtree City system through two small segments of a pathway in the Jefferson Woods subdivision. He said by using those two paths the connection can be completed down to Foreston Place South. He said staff had estimated repairs at $8,000. He asked for the Board's consideration to approve this Memorandum of Understanding with Jefferson Woods subdivision.

Commissioner Brown made a motion to approve the Memorandum of Understanding with Jefferson Woods Subdivision and a request for $8,000 from the County's General Fund to cover the cost of the path repairs; and authorization for the Chairman to execute the Memorandum of Understanding pending review by the County Attorney. Commissioner McCarty seconded the motion, discussion followed.

Commissioner Horgan said anytime that half miles of path can be added in the County he was in total agreement. Commissioner Hearn commended staff for bringing this issue before the Board and remarked this was the kind of thing that makes the community a better place to live and adds value to our quality of life.

Mr. Frisina said he would also like to thank Public Works and Stormwater Departments' staff who have been working on this project as well as the officers for the Jefferson Woods subdivision Homeowners Association.

The motion carried 5-0. A copy of the request, backup and Memorandum of Understanding, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

3. Consideration of proposed changes to Fayette County's Development Regulations, Article III, Street Design Standards and Specifications:

Public Works Director Phil Mallon remarked that this item was discussed at the Board's last workshop meeting and he had heard and responded to five main comments from the Board including (1) providing a remedy if coring of the asphalt samples showed deficiency; (2) the issue of applying building line setbacks from future right-of-way; (3) the issue of sidewalks and the County's responsibility if it accepts responsibility for major repairs for safety type issues; (4) the issue of traffic calming; and (5) the issue of landscape islands and making certain that they do not impede sight distance. He pointed out that he had referenced valuable input from Billy Brundage who does a lot of work in Fayette County. He said Mr. Brundage had identified areas that he felt were vague and also areas where there was too much blind reliance on The American Association of State Highway and Transportation Officials (AASHTO).

Mr. Mallon commented further on right turn deceleration lanes into subdivisions. He said he was in favor of these and noted that the current County code requires the deceleration lane for subdivisions as small as six lots. He said after discussing this with Mr. Brundage and looking at some examples, a twenty lot threshold was suggested. He said he would be glad to answer any questions that the Board might have.

Commissioner Brown suggested looking at the methodology that Peachtree City had started to employ when there was a development taking place on a route with multi-use infrastructure and requiring that developer to link in to the multi-use paths. He said this would save the County a lot of expense from having to retrofit all of the path infrastructure when the citizens begin using it.

Mr. Mallon felt it would be helpful for staff to work with Planning and Zoning in order to identify a map of the County in order to highlight areas having the highest potential for multi-use paths.

Commissioner Hearn commented on issues regarding turn lanes into subdivisions as well as width of road pavement. Mr. Mallon interjected that he was recommending a change in the reduction of minimum pavement width on County and local roads. Commissioner Hearn said he would recommend 22 feet for minimum pavement width.

Commissioner Brown commented there were currently a couple of subdivisions in the County that use the narrow width and this was actually looked upon as being a safety mechanism because it actually causes drivers to slow down. He said the wider pavement allows for drivers to gain speed. He felt there were some safety possibilities by narrowing the roads causing drivers to slow down and be more cognizant of what was going on around them. He said a good example of narrow pavement width was in North Cove Subdivision in Peachtree City on Peachtree Parkway near Kedron Shopping Center.

After some further discussion, there was a consensus by the Board that this item would be on the April 12th agenda for further discussion. A copy of the request and backup, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

4. Consideration of staff's recommendation to work with planners at the Georgia Department of Transportation (GDOT), the Atlanta Regional Commission (ARC), and neighboring jurisdictions to identify and program regionally-significant transportation improvements along I-85 in the vicinity of Bohannon Road, SR 74, SR 92, Fayetteville Road and SR 138:

Director of Public Works Phil Mallon remarked that the Board had discussed this item at the Board's January Workshop meeting. He felt there was a general consensus among people in Fairburn, Peachtree City as well as individuals at the D.O.T. that the solutions being proposed at the interchange of SR 74 and I-85 both provide good improvements to the level of service both immediate and long term. He said these improvements do not address all of the regional issues associated with the truck traffic and vehicle traffic in that area. He said of particular concern to Fayette County was access from SR 92 to the Interstate as well as the truck traffic at Oakley Industrial Boulevard and what would happen as the economy continues to improve resulting in some real growth. He stated that he had talked informally with Todd Long of G.D.O.T. and Matthew Fowler, who is Fayette County's Planner in that area and the Project Manager for this interchange project, both felt strongly that the best path would be to pursue a new project number. He said he was looking for a consensus from the Board for staff direction. He presented the Board with a draft resolution for consideration by the Board.

Commissioner Brown remarked that it was important to note that even if all of the components that were being considered were implemented, the model would run into a standstill. He said we would have to make sure that we are trying to employ as many of those components as possible because the forecast was not all that good. He said it would be even worse if these components were not included. He also felt it important to note that the property located across the street from where most of the warehousing districts are now on the Fayette County side was zoned for warehouse distribution as well. He said there were currently huge for sale signs on those properties and things could turn really bad if those properties sell and are used for additional warehouse and distribution space.

Commissioner Horgan said he had attended the transportation meeting held at the Bedford School a few days ago and spoken with one of the designers of this project. He said he had discussed the diamond interchange and SR 92 and it was her opinion presented to him that this project would never happen. He said we have been discussing this project for years and trying to make it happen, but she indicated the way in which the rules and regulations are with that project, they did not see this as a viable choice anymore.

Mr. Mallon remarked that the D.O.T. Manager had commented on what was being done in Henry County was for managed lanes such as the H.O.V. lanes by allowing the equivalent of a half diamond by putting the on ramp and exit ramp between the North and Southbound lanes in that open median. He said this was suggested as an example if the County works with the D.O.T. to start getting managed lanes down I-85. He said there was a lot of emphasis on freight traffic as well and there might be some options there as well.

Commissioner Horgan questioned what the County's next step would be to make this happen and Mr. Mallon replied we would need a lot more information and this was just laying the foundation to start the process.

Commissioner Brown remarked that it was important to note that with the Federal Highway Administration there was a liaison who attends the D.O.T. meetings regarding this interchange. He said the Federal Highway Administration has really never been consulted on the half diamond. He said he was concerned with the amount of tractor trailer traffic in that area.

Commissioner Hearn remarked on the issue as he understands it was the distance between SR 74 interchange and where SR 92 crosses and under the Federal guidelines the distance between thee is too close together to warrant a half diamond at that location and Mr. Mallon agreed.

Commissioner Brown commented on a project in Augusta that was very similar to what Phil Mallon was talking about where D.O.T. did have a serious problem and they had made some modifications and received approval from the Federal Highway Administration. He said this was a process that would have to be looked at and hopefully it will prevail and the tractor trailer traffic be taken out.

Chairman Frady asked for the Board's pleasure on Resolution No. 2012-06 before the Board and he asked County Attorney Scott Bennett if he had reviewed this and he replied yes.

Commissioner Brown made a motion to approve Resolution No. 2012-06 by the Board of Commissioners of Fayette County, Georgia in Support of Expanding the Scope or Creating the Next Phase of the I-85 and SR 74 Interchange to Promote Lasting Congestion Relief. Commissioner McCarty seconded the motion. The motion carried 5-0. A copy of the request, backup and Resolution No. 2012-06, identified as "Attachment No. 12", follow these minutes and are made an official part hereof.

New Business:

1. Consideration of an Intergovernmental Agreement between Fayette County and Clayton County for repairs to the bridge on McDonough Road over the Flint River; and authorization for the Chairman to execute the Agreement pending review by the County Attorney:

Public Works Director Phil Mallon presented this item for discussion. He said the funds being used for these repairs were included in the fiscal year 2012 budget. He said the Road Department had identified exactly what was needed and verbally has a commitment from Clayton County staff that they would agree to share the costs. He asked for the Board's consideration to approve the Intergovernmental Agreement between Fayette County and Clayton County for repairs to the bridge on McDonough Road over the Flint River.

Commissioner Hearn said the County had worked with Clayton County in the past on other bridge projects and they have been good neighbors in terms of sharing and being reasonable. He said he was in full support of this project.

Chairman Frady said the total cost of the project was $17,000 and Fayette County would pay half that amount. He asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve the Intergovernmental Agreement between Fayette County and Clayton County for repairs to the bridge on McDonough Road over the Flint River; and authorization for the Chairman to execute the Agreement pending review by the County Attorney. Commissioner McCarty seconded the motion. The motion carried 5-0. A copy of the request, backup and Agreement, identified as "Attachment No. 13", follow these minutes and are made an official part hereof.

2. Consideration of staff's request to award Bid #820 to Atlanta Paving & Concrete Construction, Inc. for an annual contract for asphalt milling services to be used on various projects throughout calendar year 2012 in an amount not to exceed $125,000:

Public Works Director Phil Mallon presented this item to the Board for discussion. He said this was one of many contracts that the Road Department puts together each year. He said his department has started to do a lot more milling work and he said they have found it works well in terms of the quality. He said this was mostly being used on gravel roads and staff has received very positive comments back from citizens.

Commissioner Horgan made a motion to approve staff's request to award Bid #820 to Atlanta Paving & Concrete Construction, Inc. for an annual contract for asphalt milling services to be used on various projects throughout calendar year 2012 in an amount not to exceed $125,000. Commissioner McCarty seconded the motion, discussion followed.

Mr. Mallon said he wanted to clarify that this milling would be used on some SPLOST projects which would include areas along Sandy Creek Road and Veterans Parkway that will require milling before the overlay is put down. Commissioner McCarty said since this involved work for the Bypass, he would withdraw his second. Commissioner Brown said he would be consistent in voting in opposition for any work being done on the West Fayetteville Bypass.

Commissioner Hearn seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition. A copy of the request and backup, identified as "Attachment No. 14", follow these minutes and are made an official part hereof.

3. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 13. Pawnbrokers, Dealers in Precious Metals and Gems, and Flea Market Operators:

Director of Community Development Pete Frisina presented this item to the Board for discussion. He said this was an old ordinance and needed to be reviewed. He said the newer trends that staff was seeing in some of the thrift stores and consignment shops fall under the definition of flea market and have not been treated as such. He said staff has reviewed this ordinance and felt it was somewhat burdensome and needed review. He said staff was just asking to proceed with this and would bring it back to the Board at a future meeting for further discussion. A copy of the request and backup, identified as "Attachment No. 15", follow these minutes and are made an official part hereof.

4. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 8. Development Regulations, Article II. Nonresidential Construction Permit and Compliance Procedures:

Director of Community Development Pete Frisina presented this item to the Board for discussion. He said this was mainly a housekeeping item and staff would present this at the March 22, 2012 Commission meeting for consideration. A copy of the request and backup, identified as "Attachment No. 16", follow these minutes and are made an official part hereof.

5. Discussion of the proposed amendments to Fayette County Code, Chapter 8, Development Regulations, Articles VI. Tree Retention, Protection and Replacement:

Engineer Bryan Keller remarked that staff has made some minor housekeeping changes and nothing major was done. A copy of the request and backup, identified as "Attachment No. 17", follow these minutes and are made an official part hereof.

Commissioner Brown asked Mr. Keller if the Stormwater Department was assuming responsibility for the tree section of the ordinance.

Mr. Keller replied yes the Stormwater Management Department would assume responsibility for this and pointed out that they have an arborist available to review plans. He said staff would bring this back to the Board for consideration at the March 22, 2012 meeting.

6. Discussion of proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article X. Dam and Impoundment Design Specifications and Permit Requirements:

Director of Stormwater Management Vanessa Birrell discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 18", follow these minutes and are made an official part hereof. She said these changes were mostly housekeeping but she had found two errors in the document and discussed these with the Board. She said staff was incorporating all of the requirements of the Safe Dams Act. She remarked that there was one major

amendment in Section 8-305 which would require any proposed dam that was going to be built needs to meet category I safety and program standards and requirements regardless of how it would be classified by the Safe Dams Programs. She said this would protect the owner of any potential category II dam owner because at some point there would be development downstream of the category II requiring it to meet category I standards and those requirements could be financially burdening. She said staff would bring this back to the Board for consideration at the March 22, 2012 meeting.

7. Discussion of proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article XI. Groundwater Recharge Area Protection:

Director of Stormwater Management Vanessa Birrell discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 19", follow these minutes and are made an official part hereof. She remarked that the County was required by the Department of Community Affairs to have this ordinance in place. She said this was basically a housekeeping item in order to conform with the other development regulations and had changed the name of the department from Engineering to Stormwater Management. She said staff would present this to the Board at the March 22, 2012 meeting for consideration.

8. Discussion of proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article XIII. Illicit Discharge and Illegal Connections:

Engineer Bryan Keller discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 20", follow these minutes and are made an official part hereof. He remarked that this was a model ordinance passed down by the North Metropolitan Watershed District. He said all of the engineerings have been changed over to Stormwater and also made it more compatible for Fayette County. He said staff would bring this back to the Board at the March 22, 2012 meeting for consideration.

9. Consideration of the appointment of Mr. Gary North to the Region 4 EMS Council for a two year term commencing on July 1, 2012 and expiring on June 30, 2014:

Executive Assistant Carol Chandler discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 21", follow these minutes and are made an official part hereof. She remarked that the individual for this council is nominated by the Peachtree City Fire Department and not by the County Commission. She said there are three seats on that council and this is the third seat. She noted that the incumbent was retiring after 10 years as part of this group.

Commissioner Brown asked if this was a professional appointment from Peachtree City Fire and EMS and County Administrator Jack Krakeel replied yes.

Commissioner Brown made a motion to appoint Mr. Gary North to the Region 4 EMS Council for a two year term commencing on July 1, 2012 and expiring on June 30, 2014. Commissioner McCarty seconded the motion. The motion carried 5-0.

Administrator's Reports:
None.

Commissioners' Reports:
Commissioner Brown: Commissioner Brown said he wanted to reiterate that the Board of Commissioners' Retreat would be held on Saturday, March 10th beginning at 8:30 a.m. He encouraged anyone interested to attend the meeting.

He said he would be leaving the Commissioners' Retreat meeting for a brief period in order to attend the Republican Party meeting but would return to the Retreat meeting afterward.

Chairman Frady: Chairman Frady remarked that this Board had set the date for the Commissioners' Retreat a while back. He said it was hard to find a time when all of the Board members could attend the Retreat, but noted that this particular date was voted on by this Board. He said the date of the Retreat was not meant to conflict with the Republican Party meeting.

Executive Session: County Attorney Scott Bennett requested an Executive Session to discuss litigation.

Commissioner Horgan made a motion to adjourn to Executive Session to discuss litigation. Commissioner McCarty seconded the motion. The motion carried 5-0.

Chairman Frady reconvened the meeting back to open session. He stated that the Board had authorized him to execute the Executive Session Affidavit affirming that litigation was discussed. A copy of the Executive Session Affidavit, identified as "Attachment No. 22", follows these minutes and is made an official part hereof. He said the Board advised the County Attorney how to proceed in the matter.

Adjournment: Hearing no further business to come before the Board, Commissioner Brown made a motion to adjourn the meeting at 8:45 p.m. Commissioner McCarty seconded the motion. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk

Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 12th day of April, 2012.

Karen Morley, Chief Deputy Clerk