Minutes

Board of Commissioners
October 3, 2012
3:30 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 October 3, 2012 at 3:30 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 Floyd Jones, County Clerk

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Call to Order.

Chairman Frady called the October 3, 2012 Workshop meeting to Order at 3:33 p.m.

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda as published. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

OLD BUSINESS:

1. Further discussion of a draft Policy and Procedure document for the use of speed tables as traffic calming devices on select County roads.

Public Works Director Phil Mallon discussed the draft Policy and Procedure document for the use of speed tables as traffic calming devices on County roads, and he informed the Board that the draft document incorporated recommendations from the Board when the issue was first discussed at the September 5, 2012 Workshop meeting. He stated the draft document identified the following information: 1) how to initiate the request for a speed table, 2) traffic studies and evaluations utilized to determine the need for a speed table,

3) requirements for public meetings concerning the installation of a speed table; 4) funding for installing a speed table, and 5) the installation, maintenance, and removal of speed tables. Mr. Mallon then explained each of the five sections and solicited direction from the Board for each section.

The Board recommended the following changes to the draft document: 1) that a form is provided to those who desire to have a speed table installed in order to ensure all relevant information is captured at the beginning of the application process, 2) that there would be at least 80% of support from all property owners in the Petition Area regardless of the percentage of vehicles traveling at or more than eleven miles per hour in the area, and 3) that there would only be an annual fee on the individual property owners' tax bills with the initial cost of installing the speed tabled coming from the Road Department through normal budgeting procedures.

The Board directed that Mr. Mallon place the draft policy with its recommendations on the October 25, 2012 Agenda for formal consideration. The Board took no action pertaining to this request. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

2. Further discussion of proposed amendments to the Fayette County Comprehensive Land Use Element text and map for SR 138 and Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding the proposed General Business zoning district and the SR 138 Overlay Zone.

Community Development Director Pete Frisina reminded the Board that this request was first considered during the June 6, 2012 Workshop meeting after a property owner and an individual desired to build a movie studio in the area of State Route 138 roughly between State Routes 314 and 279. He continued by saying the Board directed staff and the Planning Commission to review the request and provide suggestions. He reported that there is a recommendation to create a new Land Use category called "Business District" and also to create a General Business Zoning District "that is very specific to the type of uses under consideration." He clarified that the recommendation is for a non-retail business district that has some semblance to a district created for State Route 74, and that this general business district would have a total of seventeen different uses.

Mr. Frisina pointed out that the sixteenth use (of the seventeen available uses) allows for television, radio, and broadcasting studios. He said the concern was not in the studio, per se, but for the possibility of building a broadcast tower on the property. He said the Planning Commission did not remove the possibility of constructing a broadcast tower since it wanted the Board of Commissioners to make its considerations known. He also stated that the Planning Commission created an overlay zone which was specific to State Route 138 and State Route 314, and that the area was covered under a General State Route Overlay. He explained that the overlay would contain architectural standards that would work for the smaller commercial areas in the area, but then there is a caveat that once a certain threshold is reached then there was an option to move to a different set of standards.

Commissioner McCarty informed the Board that the Federal Communications Commission (FCC) has to license broadcast facilities, and that there are no licenses available. He said the issue was not necessarily about a broadcast facility but a production facility where programming will be produced that will be broadcast from an existing broadcaster located somewhere else. He added that there would be no consideration for a broadcast tower since it would be too close to the airport and other considerations, and since there are no broadcast licenses available through the FCC. Commissioner Horgan suggested leaving the tower regulations as they currently are, and the Board consented to that suggestion.

The Board directed Mr. Frisina to move forward with the Public Hearing process, as requested. The Board took no action pertaining to this request. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

3. Further discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding the limit on the number of animals.

Community Development Director Pete Frisina discussed the proposed amendments to the Fayette County Code of Ordinances regarding the limit on the number of animals in A/R zoned properties. He reminded the Board that this issue was first discussed by Commissioner Hearn at the September 5, 2012 Workshop meeting where staff was directed to take the issue to the Planning Commission for consideration and recommendations. He said the Planning Commissioner has made its recommendations for dealing with the numbers of animals in A/R zoned properties by "unlimiting" the number of pets in those properties. He asked the Board to understand that A/R zoned properties include kennels, so the definitions for kennels and other wordings need to be untangled and clarified. Mr. Frisina then briefly spoke about the various definitions that need to be made, before he summarized that the proposed amendments would state that the number of animals allowed in A/R zoned areas which are kept for personal use or hobby breeding would be unlimited. He closed saying dog pens would be regulated, and he described those regulations and answered questions from the Board.

The Board directed Mr. Frisina to move forward with the Public Hearing process, as requested. The Board took no action pertaining to this request. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

NEW BUSINESS:

1. Fayetteville Mayor Greg Clifton and Director of Community Development Brian Wismer will discuss both the City of Fayetteville's Redevelopment Powers Referendum that will be voted on during the November 6, 2012 General Election, and the city's request to allow the consumption of alcohol on the Historic County Courthouse's lawn when authorized for use by the city.

Director of Community Development for the City of Fayetteville discussed two issues with the Board.

The first discussion concerned the City of Fayetteville's Redevelopment Referendum which will be voted on at the November 6, 2012 General Election. Mr. Wismer explained what is entailed with the referendum and answered questions from the Board. City of Fayetteville Mayor Pro-Temp Paul Oddo informed the Board that he could speak on behalf of the City Council when he said that the City Council supports the referendum. The Board gave no direction and took no formal action based on this first request.

The second discussion concerned the City of Fayetteville's request to allow the selling of alcohol on County property for events sponsored by the City of Fayetteville.

County Attorney Scott Bennett told the Board that if it allowed the City of Fayetteville to sell alcohol, as requested, then the County would essentially be: 1) holding an event allowing private businesses to come in and compete with established businesses with no established way to determine which vendors are permitted to sell on County property, 2) allowing the City of Fayetteville to basically control when they are going to sell alcohol at the courthouse, and 3) opening the way for the Fayette Chamber of Commerce and the Economic Development Authority to also sell alcohol since it deletes the prohibition against alcohol sales. Mr. Bennett

also cautioned that the Board needed to consider the unintended consequences of permitting the sale of alcohol on County property. He emphasized that by allowing the City to sell alcohol on County property, the County would be turning over a certain amount of control of County property to the City, and the Board would not have a decision on who was allowed to sell on County property. Discussion followed.

The Board consented to not allow the selling of alcohol on County property as requested by the City of Fayetteville. Commissioner Brown dissented from the Board's decision saying he had no problem with the request so long as there was appropriate signage, all legal criteria would be enforced, and that there would be no serving to minors. The Board took no formal action based on this second request. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

2. Consideration of staff's request to purchase Easy Vote software from sole source provider Sivad Business Solutions, in the amount of $19,220.00, with funds for this request to be allocated from the General Fund's fund balance, and authorization for the Chairman to sign the contract or related documents contingent upon the County Attorney's review.

Fayette County Elections Director Tom Sawyer spoke to the Board about the need to purchase Easy Vote software by explaining that there was anticipation that there would be more Advanced or Early voters than what was experienced in the 2008 Presidential Election when 37,500 people voted in early elections. Moreover, he stated that while the 2008 Presidential Election had 45 days of early voting, this Presidential Election was narrowed down to 21 days of early voting. Mr. Sawyer then spoke about how the software would work, and how it would benefit both the voters and staff, and how it could potentially save the County money in the long run.

Commissioner Brown asked why this request was not on the Fiscal Year 2013 budget. Interim County Administrator Jack Krakeel replied that the reason it was not included on budget was based on the same reason other capital projects were not funded. Commissioner Brown clarified that it was not budgeted because it did not meet the list of priorities when the budget was put together. Mr. Krakeel agreed that was the reason.

Mr. Krakeel added this was one of the occasions where a formal motion would have to be made at a Workshop meeting. He explained that if the discussion was placed on the next Agenda for a formal vote, then staff would not have sufficient time to purchase the software and then implement it. Commissioner Brown suggested waiting and looking at the issue at the next budget meeting since the County is already dealing with a tight budget and since it did not make it through the last budget process. Chairman Frady recommended approving the request since "putting off projects does not make the situation better." Commissioner Horgan agreed with Chairman Frady.

Commissioner Hearn moved to approve staff's request to purchase Easy Vote software from sole source provider Sivad Business Solutions, in the amount of $19,220.00, and to authorize the Chairman to sign the contract or related documents contingent upon the County Attorney's review. Commissioner Horgan seconded the motion.

Commissioner Hearn then amended his motion to approve staff's request to purchase Easy Vote software from sole source provider Sivad Business Solutions, in the amount of $19,220.00, with funds for this request to be allocated from the General Fund's fund balance, and to authorize the Chairman to sign the contract or related documents contingent upon the County Attorney's review. Commissioner Horgan seconded the amended motion.

Commissioner Brown stated that he wished the Board would not consider this request until next year in order to sort it out in the overall budget picture.

The motion to approve staff's request to purchase Easy Vote software from sole source provider Sivad Business Solutions, in the amount of $19,220.00, with funds for this request to be allocated from the General Fund's fund balance, and to authorize the Chairman to sign the contract or related documents contingent upon the County Attorney's review passed 4-1 with Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

3. Staff will provide an overview of the process used to select an architectural firm for the Emergency Operations Center and Headquarters project, and will discuss its recommendation of Wakefield Beasley & Associates.

Public Safety Director and Fire Chief Allen McCullough explained that the overview of the process used to select an architectural firm for the Emergency Operations Center (EOC) and Headquarters Project would consist of two parts. He said Deputy Fire Chief Tom Bartlett would discuss the scope of the project as well as the primary and essential functions of both the EOC and Headquarters. Chief McCullogh stated that he would provide the second part of the overview by speaking about the process of making a recommendation to the Board.

Deputy Fire Chief Bartlett stated that on November 4, 2011, staff came to the Board with a letter from Governor Nathan Deal that authorized the EOC grant in the amount of $950,000.00. He said that grant was a 75% - 25% County match, and that Fayette County has been notified that the land which has already been set aside for the EOC will be permitted to be a part of the County's match. He then identified and explained the following five functions of the EOC: 1) direction and control, 2) situation assessment, 3) coordination; 4) priority establishment, and 5) resource management. He emphasized that the EOC and Headquarters must be the last building standing, so this was an important issue to consider.

Chief McCullough informed the Board of the various County personnel from multiple departments who served on the project team, about the requirements of Request for Proposal 838 (RFP 838), the various vendors who responded to the request, the numbers and types of criteria involved in evaluating the responding vendors, and the reason why the project team recommended Wakefield Beasley & Associates. Discussion followed.

Interim County Administrator Jack Krakeel noted that this project has been the number one priority project for Public Safety for a number of years, but he wanted the Board to be fully aware of the fact that when it is asked to vote on the proposal to engage the engineering and architectural services for the design of the facility, that currently, there is not a fundamental or clear understanding of what the total project cost is projected to be. He said the County also does not have total funding to complete the project, so when the Board makes its decision it will need to do so thinking about making decisions on how to fund the balance of the construction cost for building the facility. He noted that there is currently between $2.5 and $2.7 million available for the project, and there are time constraints associated with the grant that have to be expended within a certain time period. He asked the Board to understand that there will be other requests coming to it on how to construct the project with the funding since there is not sufficient funding currently allocated to the project. Discussion followed.

The Board directed staff to place its recommendation on the October 11, 2012 Agenda for formal consideration. The Board took no action with this request. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

4. Discussion of the current Inert Landfill capacity and the process to apply for a new Inert Landfill permit.

Stormwater Management Director Vanessa Birrell informed the Board that the County's current inert landfill, which has been open and permitted for more than twenty years, is ready to be closed, and that the County needs to apply to permit another inert landfill. She continued that several departments within the County use the inert landfill, including Buildings and Grounds, Public Works, Stormwater, and the Water System; as well as the City of Fayetteville. She told the Board that staff has reviewed several locations and would like to open the new inert landfill on the south side of First Manassas Mile Road. She stated there is approximately 17 acres outside of the southern boundary of the current inert landfill which could be used. She said that an application would have to be completed and submitted to the Environmental Protection Division as a first step to opening a new inert landfill.

Commissioner Hearn asked if the inert landfill was typically used for asphalt, concrete rubble, dirt, and anything that was removed from the ditches when doing stormwater work, and he verified that there were no paints or anything of that nature in the landfill. Mrs. Birrell agreed with Commissioner Hearn and added that it included material that could not be recycled. Commissioner Hearn noted that the current inert landfill has been good for about twenty years, suggesting inert landfills are not used very much, but they are a real value in terms of hauling and turnaround for the Road Department or Buildings and Grounds Department since it provides a close location where they can dispose of small amounts of material. Mrs. Birrell agreed and pointed out that the alternatives will cost, in the long-run, more money for the County to take and dispose of the material at alternative locations outside of Fayette County. Commissioner Hearn recommended moving forward with the request.

The Board directed staff to place this request on October 11, 2012 Agenda for consideration. The Board took no formal action on this request. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

5. Ms. Shenicka Madden, owner of Time For Learning Day Care, to request the Board's consideration of amending the Fayette County Zoning Ordinance related to set-backs and buffers, which would allow her to establish a child-care business in a commercial center in Fayette County.

Community Development Director Pete Frisina informed the Board that Ms. Shenicka Madden withdrew her request just prior to the meeting since she only just learned that the Board had rejected a similar request in March 2012.

Mr. Frisina added that earlier he had forgotten to mention that with the amendments that he will be bringing back to the Board, he found a few housekeeping items that he needed to correct from when staff worked on the Zoning Ordinance in May 2012. One of the areas he noted for correction was a section of the Ordinance that was deleted by mistake. He said he needed to reinsert the portion of the ordinance, and then change some wording and articles in the Zoning Ordinance overall.

The Board gave no direction and took no action for this request. A copy of the request, identified as 'Attachment 8", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

SPLOST Update: Public Works Director Phil Mallon gave updated the Board on current SPLOST projects ongoing in Fayette County and on the ARC Project Solicitation. The Board gave no direction and took no action on this report.

ATTORNEY'S REPORTS:

No report was given.

COMMISSIONERS REPORTS:

Commissioner Allen McCarty: Commissioner McCarty reported that several days ago his mother-in-law suffered a heart attack and had to be rush to the hospital. He praised Fayette County's Emergency 911 services and Fire and Emergency Services for their rapid and professional responses.

Commissioner Lee Hearn: Commissioner Hearn encouraged Commissioners-elect Barlow, Oddo and Ognio to rely on the County Attorney Scott Bennett for legal guidance on County matters, and he added that Mr. Bennett has been a very reliable source of information up to this point.

Commissioner Steve Brown: Commissioner Brown asked the Board if the incoming Board would be allowed, as a committee consisting of the 2013 Board of Commissioners, to select the new County Administrator and give a proposal, or should the incoming Board wait until January to make a selection at that time. He said if the Board would allow for it, the Committee could call a meeting, it would follow the rules to the letter based on the new law that went into effect earlier in the year, and it would start moving on hiring a new County Administrator. Chairman Frady replied that he would not vote on any candidates. Commissioner Horgan added that the committee's approach to the issue has made the decision hard to process and that the approach was why Commissioner Hearn said what he did. Commissioner Horgan continued that he had been informed that there was no proper vetting, that the process was not handled properly at all, and that he did not want to be involved with it. He pointed out that, earlier, the Board had stated that it would allow the three new Commissioners to be involved in the process, but that he also assumed that the Board would have been privy to what was going on; even though the Board was not privy to the information. He summarized that the committee was asking him to do something blindly, and he would not do that as a County Commissioner. Chairman Frady stated that he informed Commissioner-elect David Barlow that he would not support the chosen candidate. He stated that the candidate formerly sat on Commissioner Brown's council when Commissioner Brown was mayor of Peachtree City, and that he was very familiar with the candidate's history. Commissioner Horgan noted that there were a lot of candidates on the list who were very qualified and who were overlooked.

County Attorney Scott Bennett pointed out that Commissioner Brown had requested an Agenda item for the October 25, 2012 to vote on the candidate. Commissioner Brown agreed and asked County Clerk Floyd Jones to remove the item from the Agenda. Mr. Bennett replied that by removing the request it helps staff in responding to Open Records requests.

ADJOURNMENT:

Commissioner Brown moved to adjourn the October 3, 2012 Board of Commissioners Workshop meeting. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

The October 3, 2012 Board of Commissioners Workshop meeting adjourned at 5:43 p.m.

Floyd L. Jones, County Clerk

Herbert Frady, 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 October 2012.

Floyd L. Jones, County Clerk