



Action Agenda

Board of Commissioners
October 28, 2010
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on October 28, 2010, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Jack Smith, Chairman
Herb Frady, Vice Chairman
Lee Hearn
Robert Horgan
Eric Maxwell

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Smith called the meeting to Order.
Commissioner Hearn offered the Invocation
Commissioner Frady led the Pledge of Allegiance.

RECOGNITION OF COMMISSIONER FRADY'S 80TH BIRTHDAY:

Chairman Smith congratulated Commissioner Frady on celebrating his 80th birthday and the Board presented him with a cake.

ACCEPTANCE OF AGENDA: COMMISSIONER HORGAN MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

PRESENTATION/RECOGNITION:

- A. Presentation of Resolution supporting the Fayette County Chamber of Commerce "Find it in Fayette for the Holidays" initiative.

CHAIRMAN SMITH READ AND THE BOARD PRESENTED CONNIE SEWELL REPRESENTING THE FAYETTE COUNTY CHAMBER OF COMMERCE WITH A RESOLUTION SUPPORTING THE FAYETTE COUNTY CHAMBER OF COMMERCE "FIND IT IN FAYETTE FOR THE HOLIDAYS".

PUBLIC HEARING:

- B. Consideration of Petition No. RP-048-10, SELAF Haddonstone Holding Company, LLC, Owner, and Jason Wingfield, Agent, requesting a revision to a Recorded Final Subdivision Plat for Haddonstone Subdivision to subdivide the Amenity Area into two single-family dwelling lots which will add one single-family lot to the subdivision. This property is located in Land Lot 35 of the 5th District, fronts on Loggia Point, and is zoned R-50. **The Planning Commission unanimously recommended approval. Staff recommended approval.**

AGENT FOR THE PETITIONER JASON WINGFIELD ASKED FOR THE BOARD'S CONSIDERATION TO APPROVE THE REQUEST FOR A REVISION TO A RECORDED FINAL SUBDIVISION PLAT FOR HADDONSTONE SUBDIVISION. HE NOTED THE AMENITY PACKAGE WOULD CHANGE AND WOULD INCLUDE A PAVILION, POOL, TWO RESTROOMS, A CHILDREN'S PLAY PARK AND OPEN LAWN AREA BUT THERE WOULD BE NO TENNIS COURTS.

COMMISSIONER HORGAN MADE A MOTION TO APPROVE PETITION NO. RP-048-10 AS PRESENTED WITH THE NOTED CHANGES IN THE AMENITY PACKAGE. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

- C. Consideration of Petition No. 1220-10, Rosemary Wurster as Trustee of the Maw Family Trust ,Owner, and David Barber, Agent, to rezone 2.40 acres from C-H to M-1 to develop an Office/Warehouse/Auto Recovery and Impoundment Facility. This property is located in Land Lot 217 of the 5th District and fronts on Walter Way. **The Planning Commission unanimously recommended approval. Staff recommended approval.**

AGENT FOR THE PETITIONER DAVID BARBER ASKED FOR THE BOARD'S CONSIDERATION TO APPROVE THE REQUEST TO REZONE THE PROPERTY FROM C-H TO M-1.

COMMISSIONER HORGAN MADE A MOTION TO APPROVE PETITION NO. 1220-10 AS PRESENTED. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

ETHICS MATTER

- D. Discussion of punishment in the matter of Patrick J. Hinchey and David W. Cree versus Robert E. Horgan.

CHAIRMAN SMITH PRESENTED THE BOARD WITH A RESOLUTION OF CENSURE AND ASKED FOR THE BOARD'S CONSIDERATION FOR EACH COMMISSIONER TO EXECUTE THE RESOLUTION.

COMMISSIONER MAXWELL MADE A MOTION TO ADOPT THE RESOLUTION OF CENSURE. COMMISSIONER FRADY SECONDED THE MOTION. THE MOTION CARRIED 4-0-1 WITH COMMISSIONER HORGAN ABSTAINING.

CHAIRMAN SMITH MADE A MOTION TO IMPOSE A FINE IN THE AMOUNT OF \$200 TO BE LEVIED AGAINST COMMISSIONER ROBERT HORGAN AND WOULD BRING THIS ETHICS VIOLATION TO A CLOSE. COMMISSIONER FRADY SECONDED THE MOTION. THE MOTION CARRIED 4-0-1 WITH COMMISSIONER HORGAN ABSTAINING.

PUBLIC COMMENT:

Bob Ross: Bob Ross commented on Commissioner Horgan's ethics violation and said he was glad this matter had come to a conclusion. He said he appreciated the attention that each Board member had given this matter and particularly the comments made by Commissioner Maxwell. He said he was satisfied with the Resolution and the monetary fine.

Pat Hinchey: Pat Hinchey remarked that he was also glad that the ethics violation against Commissioner Horgan was also over and done. He said he felt it was his responsibility to file the ethics complaint to do what he felt was the right thing to do for his family and the reason they had chosen to live in Fayette County. He said he was glad this chapter would now be closed and everyone could move on. He said he and his family would continue to live in a County that they were proud to live in.

CONSENT AGENDA: COMMISSIONER FRADY MADE A MOTION TO APPROVE THE CONSENT AGENDA ITEMS 1-7 AS PRESENTED. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

1. Approval of staff's request for authorization to proceed with the replacement of two mowers and two weed trimmers stolen from the Buildings and Grounds Maintenance Facility using Contingency Funds in an amount not to exceed \$18,000.
2. Approval of staff's recommendation to award Bid #765 Engineering and Design Services for SPLOST Project No. FC-15, intersection improvements at Goza Road, Inman Road and S.R. 92 to Wolverton & Associates, in accordance with the terms and fees provided in the company's bid dated October 12, 2010.
3. Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by \$1,945.89 for reimbursement for employees assigned to work with various Federal Agencies.
4. Approval of the Water Committee's recommendation that the Water System include an insert in bills to Peachtree City sewer customers on behalf of the Peachtree City Water and Sewerage Authority announcing the upcoming increase in sewer rates.
5. Approval of staff's request for authorization for the Chairman to execute documents accepting a grant in the amount of \$7,500 from the Council of Juvenile Court Judges of Georgia for providing community alternatives to juvenile incarceration.
6. Approval of appointments of Jason Thompson, Mike Brady, Hollis Harris and Phil Smelley to the Fayette County Development Authority which will expire on April 9, 2014.
7. Approval of minutes for the October 6th Board of Commissioners Workshop meeting and the October 14th Board of Commissioners meeting.

OLD BUSINESS:

- E. Further discussion resulting from a previous request from staff concerning current account and fund balances for Fiscal Year 2010.

CHAIRMAN SMITH MADE A MOTION TO APPROVE STAFF'S RECOMMENDATIONS FOR ADDITIONAL FUNDING IN ASPHALT & TACK, VICTIM'S ASSISTANCE, WORKER'S COMPENSATION, AND VEHICLE REPLACEMENT AND IN ADDITION THAT 2.5% OF COMPENSATION BE EARMARKED FOR ALLOCATION TO THE PAY FOR PERFORMANCE PROGRAM. COMMISSIONER FRADY SECONDED THE MOTION. DISCUSSION FOLLOWED.

Chairman Smith added that the pay for performance would be for a half year since the County was already half way through the budget process. County Administrator Jack Krakeel said if the Board approved an effective date of 12-01-2010 the total aggregate from all funds would be \$579,307 of which the general fund would fund \$416,630. Mr. Krakeel said the maximum amount that any individual employee would be eligible for would be a maximum of 5%.

CHAIRMAN SMITH AMENDED THE MOTION TO HAVE THE 2.5% OF ANNUAL SALARY PRORATED FOR THE BALANCE OF THIS FISCAL YEAR BEGINNING DECEMBER 1, 2010. COMMISSIONER FRADY SECONDED THE AMENDED MOTION. THE MOTION CARRIED 5-0.

NEW BUSINESS:

- F. Approval of Water Committee's recommendation to have the County enter into an agreement with Eco-South, Inc. to perform mitigation work for the Camp Creek mitigation site on Helmer Road and authorization for the Chairman to execute said Agreement upon review and approval by the County Attorney.

COMMISSIONER HORGAN MADE A MOTION TO APPROVE THE WATER COMMITTEE'S RECOMMENDATION FOR THE COUNTY TO ENTER INTO AN AGREEMENT WITH ECO-SOUTH, INC. IN THE AMOUNT OF \$454,798 TO PERFORM MITIGATION WORK FOR THE CAMP CREEK MITIGATION SITE ON HELMER ROAD AND AUTHORIZE THE CHAIRMAN TO EXECUTE SAID AGREEMENT UPON REVIEW AND APPROVAL BY THE COUNTY ATTORNEY. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

ADMINISTRATOR'S REPORT:

COUNTY OWNED PROPERTY AT FIRST MANASSAS MILE: County Administrator Jack Krakeel updated the Board on the issue of possible county property at First Manassas Mile being used by the Health Department that was discussed at the October 14th Board meeting. He remarked that staff had completed the additional information and analysis and provided the Board a copy for review. He said he would be glad to answer any questions that the Board might have in regard to that issue.

VICTIMS OF CRIME ACT ASSISTANCE GRANT: County Administrator Jack Krakeel stated that the District Attorney was asking for the Board's consideration for approval of the Victims of Crime Act Assistance Grant application and authorize the Chairman to execute the application in the amount of \$81,517.

COMMISSIONER HORGAN MADE A MOTION TO APPROVE THE VICTIMS OF CRIME ACT ASSISTANCE GRANT APPLICATION AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE APPLICATION. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

ATTORNEY'S REPORT:

PROPOSAL #P759 - CONTRACT WITH SOUTHEASTERN TENNIS COURTS, INC.: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute the contract with Southeastern Tennis Courts, Inc. who was the low bidder for Proposal #P759 in the amount of \$29,880 for the refurbishment of the Kiwanis Park basketball court.

COMMISSIONER HORGAN MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONTRACT WITH SOUTHEASTERN TENNIS COURTS, INC. IN THE AMOUNT OF \$29,880. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

CONTRACT WITH VERTICAL EARTH FOR REPAIRS TO THE FAYETTE COUNTY JAIL EXERCISE YARD FOR THE SHERIFF'S OFFICE: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute the contract with Vertical Earth for repairs to the Fayette County Jail exercise yard in the amount of \$89,050.

COMMISSIONER FRADY MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE A CONTRACT WITH VERTICAL EARTH FOR REPAIRS TO THE FAYETTE COUNTY JAIL EXERCISE YARD FOR THE SHERIFF'S OFFICE IN THE AMOUNT OF \$89,050. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

STAFF REPORTS: Public Works Director Phil Mallon announced that Phase I of the West Fayetteville Bypass was open for traffic today.

BOARD REPORTS: Chairman Smith stated that Chief Magistrate Chuck Floyd had passed away. He said visitation would be on Saturday at Mowell Funeral Home in Peachtree City and the funeral service would be held on Sunday at 2:30 p.m. at Dogwood Church on S.R. 74 in Peachtree City.

EXECUTIVE SESSION: Chairman Smith requested an Executive Session to discuss a personnel matter.

Commissioner Maxwell requested an Executive Session to discuss a personnel matter.

COMMISSIONER HORGAN MADE A MOTION TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

Chairman Smith adjourned the Executive Session and reconvened the meeting to open session.

COMMISSIONER FRADY MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT A PERSONNEL MATTER WAS DISCUSSED IN EXECUTIVE SESSION. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 10:20 p.m.

Karen Morley, Chief Deputy Clerk