

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, April 26, 2007, 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  
Robert Horgan  
Eric Maxwell  
Peter Pfeifer

STAFF MEMBERS PRESENT: Jack Krakeel, Interim County Administrator  
William R. McNally, County Attorney  
Carol Chandler, Executive Assistant  
Karen Morley, Chief Deputy Clerk

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Chairman Smith called the meeting to order.

Commissioner Pfeifer led the Invocation.

Chairman Smith led the Pledge of Allegiance.

**REZONING RULES:** Director of Community Development Pete Frisina remarked that tonight's public hearing was for the Board of Commissioners to consider a request for rezoning of property and any proposed amendments related to County codes and regulations. He said Fayette County required two public hearings for these requests. He said the first public hearing on the first Thursday of every month was held by the Fayette County Planning Commission and their vote was a recommendation to the Fayette County Board of Commissioners. He said the second public hearing was held on the fourth Thursday of every month by the Board of Commissioners and their vote was the final decision of the County.

Mr. Frisina said procedures for public hearings of each agenda item are as follows: (1) presentation by the petitioner. He said once the agenda item was announced the petitioner will present the request to the Board of Commissioners. He said the petitioner along with those speaking in favor of the request would be granted a cumulative total of fifteen (15) minutes for presentation and rebuttal. (2) public comment. He said after the petitioner's presentation the Chairman of the Board of Commissioners would ask for public comment. He said speakers will have a total of three (3) minutes each to address the Board of Commissioners. He said first the Board of Commissioners will hear those in favor of the

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request and then the Board would hear those opposed to the request. He said a cumulative total of fifteen (15) minutes would be granted to each side. He said this pertained to speakers in favor of the request and those opposed. He said each person who wished to speak to the Board would come to the podium and print his/her name and address on the form provided so that each speaker would be accurately identified in the minutes of the meeting. He said speakers were requested to speak only to the Board and not to the applicant or others in the audience. He said if a group wished to speak then a spokesman should represent the group. He said it was asked that each speaker not repeat the same concerns as previous speakers. He said any items such as photographs or signed petitions that the speaker wishes the Board to have should be given to the Marshal. He said after all those in opposition have spoken, the Chairman of the Board would close the floor to further public comment on the agenda item. He said the petitioner would be given the remainder of his/her fifteen (15) minutes for rebuttal and to address the Board about the issues. He said normally a Commissioner would make a motion to either approve, deny, approve with conditions or table and then the motion seconded by another Board member. He remarked that lack of a second would nullify the motion. He said the Board of Commissioners can ask questions or make comments prior to or after a motion was made and seconded. He said following discussion, the Chairman would call for the vote. He said the vote by the Fayette County Board of Commissioners was the final County decision regarding the request.

**PETITION NO. 1194-07:**

Director of Community Development Pete Frisina read Petition No. 1194-07, Winn Martin, Manager of 54 Prop, LLC, Owner, and Laura Mehl and Tammi Sullenberger of Prudential Georgia Realty-Fayette and Ricky Gaskins of Delta Surveyors, Inc., Agents, request to rezone 4.76 acres from R-40 and A-R to O-I to develop O-I uses. He said this property was located in Land Lot 58 of the 7<sup>th</sup> District and fronted on S.R. 54 West. He said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Chairman Smith asked if the petitioner was present tonight for this hearing.

Tammi Sullenberger of Prudential Georgia Realty-Fayette said she was the Agent for the petitioner. She said at the Planning Commission meeting the surveyor from Delta Surveyors, Inc. was present. She said there were drawings indicating the existing two buildings that would remain and be made into dental or doctors' offices. She said the ingress and the egress were also shown on the drawing. She asked if the Board had any questions about any of the drawings or anything else relating to this rezoning request.

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Chairman Smith asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition to the petition. Hearing none, he said he would end the public hearing at this point. He asked the Commissioners for their pleasure in this request.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to approve Petition No. 1194-07 as recommended by staff. The motion carried 5-0. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1194-07, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

**PETITION NO. 1195-07:**

Director of Community Development Pete Frisina read Petition No. 1195-07, Alice Shaffer, Stella Hillsman, Bertha Siegenthaler, and John Littleton, Owners, and Gene Strickland of SB2-Butner, LLC, Agent, request to rezone 5.52 acres from A-R to O-I to develop Professional Offices. He said this property was located in Land Lot 70 of the 7<sup>th</sup> District and fronted on S.R. 54 West. He said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Chairman Smith asked if the petitioner or the agent was present for this discussion.

Tom Hardy of Omni Consultants said they were the land planners and the engineers for the firm. He said he had read over all of the staff's recommendations and, as stated at the Planning Commission, was in full agreement with those recommendations. He said he would be glad to answer any questions that the Board might have.

Commissioner Maxwell questioned the stormwater management facility located at the front of the property. He asked what the plan was for aesthetics of the property since this would be located on a major highway.

Mr. Hardy responded that they planned to make it as aesthetically pleasing as possible. He said there were landscaping requirements for the S.R. 54 overlay district that would help enhance the property as well. He said he did not feel there was enough of a drainage basin to make this a permanent wet pond per engineering guidelines but they would explore every opportunity to make it as aesthetically pleasing as possible.

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Commissioner Maxwell referred to the new Bank of Georgia located on S.R. 54 on this side of the hospital. He said there was a retention pond there that essentially looked like a big concrete wall and was not really pleasing to him. He said he would prefer something other than a concrete wall. He said he had not looked at this particular piece of property and did not know if it was low lying or what.

Mr. Hardy said on the piece of property there was a natural low point and the topography would be less of an impact than the situation that Commissioner Maxwell was referring to. He said he certainly hoped that they would not have to build any concrete walls and he said the petitioner felt the same way.

Chairman Smith asked if anyone was present to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition to this petition. Hearing none, he said he would declare the public hearing closed. He asked for the Board's pleasure in this matter.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve Petition No. 1195-07 as recommended by staff. The motion carried 5-0. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1195-07, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

**PUBLIC COMMENT:**

Members of the public are allowed up to five minutes each to address the Board on any issues of concern.

**Harriette Steele:** Harriette Steele remarked that she had recently been appointed by the Board to serve as the Fayette County representative on the Department of Human Resources Mental Health, Developmental Disabilities and Addictive Diseases Board. She commented on the possible closing of the Fayette Counseling Center in Fayette County and avenues of possible funding. She said she wanted to make it clear that the Fayette County Board of Commissioners had come through with funding and met all of their promises and had clearly been supportive of the mental health center in Fayetteville. She said the center was in jeopardy of closing effective June 30<sup>th</sup>. She said people needed to understand that and also that the Board did not create this problem. She said the

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population figure for Fayette County would require that some mental health services be provided. She said although Fayette County had not created the problem, it would be responsible for finding a solution. She asked if there was any current update on the situation dealing with the Fayette Counseling Center and if she could get some, hopefully, positive feedback to better understand what was going on with that. She said furthermore she would like to ask the Commissioners to be open to the idea to have expanded citizen participation in developing grant applications. She said there was a wealth of intelligent retired individuals and stay at home moms in Fayette County who would be perfect examples of people who could come together and develop a committee or a consortium to specifically address grant applications for general purposes in Fayette County. She said this would help get the money needed for a lot of other projects coming into the County. She said there were many people such as Pete Nelms in Emergency Services who had been extremely active in grant applications for public safety purposes. She proposed that the Commissioners consider a form of expanding that from the wealth of intelligent and educated people living in Fayette County. She said she looked forward to an excellent resolution and she would give her commitment to the Board if any help was needed in any way, shape, form or fashion to get the mental health center to a better position.

Chairman Smith thanked Ms. Steele for her willingness to serve on the mental health board and he appreciated her comments as well. He said this Board had issued a press release to bring the problems with the mental health center closing to the forefront so that the citizens would be aware of what was happening in that arena. He said as a result, this Board was hoping to generate enough community interest and not necessarily to come ask the Board for money but to help find a solution to the problem. He said as a group and individually this Board had discussed the mental health issues with the elected representatives who control the budget strings on the State level as well as the National level in an attempt to bring some spotlight to this problem in hopes of coming to a resolution. He said this would not be a simple task. He said he had been questioned by people since becoming a County Commissioner if there had been any problems that he could not solve. He said he had not found a problem that he could not solve if enough money was thrown at it. He said unfortunately there was not a money tree out back and this Board must be measured in its response and use of taxpayers' dollars. He assured the mental health community that this Board was doing all that it could to ensure that the mental health facilities were the best that they could be and remained in public view. He said he hoped that this problem would be solved by the time the money ran out on the State's end.

**Introduction of Jack Krakeel as new Interim County Administrator:** Chairman Smith introduced Jack Krakeel as the new Interim County Administrator. He noted that Mr. Krakeel had been instrumental in the development of grant applications and his ability and knowledge of this process would benefit not only the mental health organization but other worthwhile charities as well. He said this was one specialized area that this Board was looking forward to working with Jack on and that was his ability and knowledge in the grant application process. He said his expertise would not only benefit the County but the mental health organization as well as other worthwhile charities. He said this was just one of the things that Mr. Krakeel brings to the County as a strong point.

Chairman Smith asked if anyone else wished to address the Board at this time and there were no further comments.

**CONSENT AGENDA:** Commissioner Horgan requested item nos. 3, 4 and 5 be removed for discussion. On motion made by Commissioner Pfeifer, seconded by Commissioner Frady to approve item nos. 1, 2, 6 and 7. The motion carried 5-0.

**FINANCE DEPARTMENT:** Approval of staff's recommendation for the Fire Fund to reimburse the County General Fund \$26,718.50 for the 3% Administrative Costs for Fire Impact Fees for fiscal years 2001 through 2005. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**FINANCE DEPARTMENT:** Approval of staff's recommendation to transfer \$15,000 from Engineering's Technical Services Account to Capital Project "C7057" Road Department Stormwater Management. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

3. Approval of the Vehicle Replacement Committee's recommendation to replace the Water System's 1996 Ford F800 with an F450 truck at an approximate cost of \$65,000. Funds will be paid from the Water System's Renewal and Extensions (R&E) Funds. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

Commissioner Horgan questioned the amount of money in the Renewal and Extension Fund and felt the backup information needed to be more thorough for item nos. 3 and 4. He said he did not have any information on the Renewal and Extension Fund as far as how

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much money was in that fund exactly. He said there was a total of more than \$112,000 for item nos. 3 and 4 and he felt there should be a little bit more information on these two items.

4. Approval of the Vehicle Replacement Committee's recommendation for the Water System to replace a slope mower in the amount of \$47,300 using Renewal and Extensions (R&E) Funds. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.
5. Approval of the Vehicle Replacement Committee's recommendation to replace a GMC box van with a Ford F250 pickup truck with utility body for the Building and Grounds Maintenance Department. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

Commissioner Horgan questioned what the boundaries were for the Vehicle Replacement Committee as far as recommending what should be replaced next. He said with the request for the truck for the Water System it was a request to approve the generator and air compressor and he did not know if that was something that was supposed to be an additional item or was it appropriate to be lumped together for one vehicle.

Director of the Water System Tony Parrott responded that the current F-800 was a utility truck and the new truck would replace it. He said it had an air compressor to run a jackhammer and had a generator to run lights with an enclosed utility body. He said there was nothing unique about it but it was just a similar vehicle that was currently being used at the Water System for repair work.

Commissioner Horgan asked if this was something that the County would bid out. He noted that this was a fairly expensive piece of equipment and he did not see anything regarding a bid process in the package.

Mr. Parrott said these three items were for the Board's approval to go out for bid. He said the low bidder would be recommended back to the Board and the Board could approve it at that point. He said this was a recommendation by the Board's Vehicle Replacement Committee to start the bid process for these three vehicles.

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Chairman Smith asked if it was common place that when a vehicle was replaced that had a compressor and generator that the compressor and generator were replaced at the same time. He asked if this one truck had exhausted its life span.

Mr. Parrott replied that there was no compressor on the F-800. He said the new vehicle would have an air compressor.

Chairman Smith asked why the 1996 Ford F-800 in item no. 3 was being replaced by an F-450 which was approximately half the capacity and size. He questioned Mr. Parrott as to why the Water System was choosing to purchase a smaller truck.

Mr. Parrott responded that the F-800 currently pulled the backhoe. He said now that the Water System had a dump truck, the backhoe was pulled by the dump truck. He said this was just a change in the way the Water System was dealing with main breaks.

Chairman Smith said he had the same question with item no. 5. He said the GMC box van was being replaced with a pickup truck.

Mr. Parrott replied that the pickup truck would have a utility body on it. He said it would have storage capacity but not as large as the box van. He said this truck was not hauling as much material so it was being downsized.

Chairman Smith clarified that the funds were available and there were no extension funds.

Mr. Parrott said there were funds available.

Chairman Smith asked for the Board's pleasure on item nos. 3, 4 and 5 of the consent agenda.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve consent agenda item nos. 3, 4 and 5. The motion carried 5-0.

**STREETS APPROVED FOR MOTORIZED CART TRAVEL:** Consideration of approval for the specified streets in Mountbrook Subdivision to be authorized for the use of motorized cart travel per Ordinance No. 95-10 for streets in Mountbrook Subdivision including Nesmith Court, Sheridan Court, Wilcox Court, Mountain's



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Edge and Swain's Drive. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meeting held on March 22, 2007 and the Special Called Board of Commissioners meeting held on April 18, 2007.

**STAFF REPORTS:**

**CHAIRMAN SMITH:** Chairman Smith said he wanted to further introduce Jack Krakeel as the Board's new right hand and welcome him aboard on behalf of the Board of Commissioners. He thanked Mr. Krakeel for his willingness to serve in this interim capacity.

**JACK KRAKEEL:** Interim County Administrator Jack Krakeel remarked that staff was ready to move forward with the advertisement for the position of Public Works Director. He asked for the Board's consideration to remove the PE requirement for a degree in engineering for this position. He said after reviewing the functions that this position performs, it was his opinion as well as staff's that it was probably more appropriately aligned with a public administration managerial background since there was currently engineering capability on staff that was primarily involved with design work. He said with the Board's authorization, staff would be ready to proceed with the placement of this advertisement for this position.

On motion made by Commissioner Frady, seconded by Commissioner Maxwell to approve the request as presented by the County Administrator to proceed with advertisement of this position in the Atlanta Journal and Constitution, the A.C.C.G. website, and including the local newspapers, discussion followed.

Commissioner Maxwell asked Mr. Krakeel if he had contacted the A.C.C.G. and if so, how long it would take them to get the advertisement for this position in their magazine. He asked where else this position would be advertised.

Mr. Krakeel replied that two primary sources for advertisement would be the Atlanta Journal Constitution and the second would be the A.C.C.G. website. He said this was a common website that was utilized for local government employment and referrals. He said it was his estimation that it would take approximately thirty days to get this ad fully published.

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Commissioner Maxwell said the A.C.C.G. would certainly get this advertisement out State-wide and he assumed the Atlanta Journal Constitution would be Statewide as well. He said there were also two County newspapers locally and he felt the ad should be published in the local newspapers as well.

Mr. Krakeel said he agreed and the placement of the advertisement would be expanded to include the local media.

Commissioner Maxwell said he wanted to make sure that the motion included the local newspapers and Commissioner Frady said his motion would include that as well.

The motion carried 5-0.

**REQUEST FROM THE LINKS GOLF COURSE:** Attorney McNally asked for the Board's consideration for a request from the Links Golf Course to hold a charity golf tournament sponsored by Wings and Things as well as a beer distributor who would be donating beer with the recipient of the proceeds being Children's Healthcare of Atlanta. He said the State required a letter from the Board of Commissioners stating that there was no objection to permitting this type of event. He said the Links Golf Course was a business licensed in the County and the State would require this letter from the Board.

On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to authorize the Chairman to sign a letter stating that the Board of Commissioners had no objection to the Links Golf Course holding this event. The motion carried 5-0. A copy of the letter, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

**REQUEST FROM GEORGIA POWER COMPANY:** Attorney McNally said he also had a request from Georgia Power Company for an easement which runs through a small mitigation preservation site off of Old Senoia Road. He said Georgia Power was preparing to put in an additional distribution line and this would be a thirty-foot easement which would include a fifteen-foot easement on either side of the line. He asked for the Board's consideration in this request.

Commissioner Frady asked if this easement was already existing.

Attorney McNally responded that there was already an existing easement through the property and there was already a line on it. He said this request was merely because

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Georgia Power Company was putting in an additional line thereby requiring the additional easement.

On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to approve the request from Georgia Power Company to put in an additional distribution line with a thirty-foot easement at a mitigation site off Old Senoia Road at no cost to the County. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**EXECUTIVE SESSION:** Attorney McNally requested an Executive Session for two legal items and two real estate acquisition items.

**EXECUTIVE SESSION:** Chairman Smith requested an Executive Session for twelve legal items and one personnel matter.

On motion made by Commissioner Pfeifer, seconded by Commissioner Frady to adjourn to Executive Session to discuss fourteen legal items, two real estate acquisition items and one personnel matter.

**REAL ESTATE:** Attorney McNally and Chairman Smith discussed a real estate item with the Board.

Chairman Smith remarked that the action on this matter would be taken in open session. He noted for the record that this item was one of his legal items.

**REAL ESTATE:** Attorney McNally reported on a real estate item with the Board.

It was the consensus of the Board that Attorney McNally proceed in this matter.

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

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.

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

The Board took no action on this matter.

**LEGAL**: Chairman Smith briefed the Board on a legal item.

The Board took no action on this matter.

**LEGAL**: Chairman Smith reported to the Board on a legal item.

The Board took no action on this matter.

**LEGAL**: Chairman Smith discussed a legal item with the Board.

The Board took no action on this matter.

**LEGAL**: Chairman Smith reported to the Board on a legal item.

The Board took no action on this matter.

**LEGAL**: Chairman Smith discussed a legal item with the Board.

The Board took no action on this matter.

**LEGAL**: Chairman Smith briefed the Board on a legal item.

The Board took no action on this matter.

**LEGAL**: Chairman Smith discussed a legal item with the Board.

The Board took no action on this matter.

**LEGAL**: Chairman Smith reported to the Board on a legal item.

The Board took no action on this matter.

**PERSONNEL**: Chairman Smith discussed a personnel matter with the Board.

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The Board took no action on this matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Pfeifer, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit affirming that eleven legal items, two real estate acquisition matters and one personnel matter were discussed in Executive Session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

On motion made by Commissioner Horgan, seconded by Commissioner Frady to reconvene the meeting to open session. The motion carried 5-0.

Chairman Smith called the meeting back to open session. He said one of the legal items was a duplicate item and the Board discussed eleven legal items, two real estate acquisition items and one personnel matter, He said the Board had taken action on one of the real estate items. He called for the motion on the real estate item.

**REAL ESTATE:** On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to modify the road design for Old Road to eliminate paving from Etowah Trace to Butler Road leaving the pavement to be from Etowah Trace to S.R. 279. The motion carried 5-0.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to adjourn the meeting at 9:05 p.m. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk

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Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24<sup>th</sup> day of May, 2007.

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Karen Morley, Chief Deputy Clerk