

The Board of Commissioners of Fayette County, Georgia met in Official Session on May 24, 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
Dennis Davenport, Assistant County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Smith called the meeting to Order.

Commissioner Pfeifer led the Invocation.

Pledge of Allegiance.

RECOGNITION OF 4-H SHOTGUN CLUB - SENIOR TEAM WINNERS OF THE SCHOLASTIC CLAY TARGET PROGRAM FOR TRAP SHOOTING STATE CHAMPIONSHIP:

Chairman Smith said the Board had the privilege tonight to recognize the 4-H Shotgun Club - Senior Team winners of the Scholastic Clay Target Program for Trap Shooting State Championship who has 5 winners from this Team.

Director of the Fayette County Cooperative Extension Office Lauren Mosher thanked the Commissioners for all of their support that they had given the Extension Service because they would not be able to offer this program and a lot of the other programs without the Board's support. She said Cooperative Extension Offices were located in 157 Counties in the State of Georgia. She said Fayette County was one of more than 70 Counties who participate in the Georgia 4-H Shooting Awareness Fun and Education Program. She said this Program was administered by the State 4-H Office at the University of Georgia as part of a National 4-H Shooting Sports that included archery, pistol, rifle and shotgun shooting sports. She said the 4-H Shotgun Club was led by a group of eight volunteer leaders who give their time and talents to work with members of the Club. She said last year alone volunteers donated 3,725 hours which represented \$57,199 in labor to the 4-H Shotgun Team. She said at this time she wanted to

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introduce David Adams who was the lead coach for the Senior Varsity Shotgun Team and the Scholastic Clay Target Program State Director for Trapshooting. She said he was also the first alternate delegate for the Georgia Amateur Trap Association.

David Adams said he had been involved with the Fayette County 4-H Shooting sports since 1994. He said the Program had only been in existence since 1993 and during that time period the Program had come a long way. He said the Program started with 5 to 10 young people and was now up to approximately 50 members. He said the Club had been in existence since 2001 and during that time period the Club had won 6 out of the 7 State Championships. He recognized the winners in this competition as Jacob Madkiff, Cory Nordlund, Perry Grissom, Jonathan Lancaster and Gunnar Schrepfer. He noted that Jacob Madkiff won the title of Georgia State Champion and would participate in the Grand American Trap Shoot in Sparta, Illinois and represent the State of Georgia in the Champion of Champion Shoots. He said Jonathan Lancaster won the title of Junior Champion for the State of Georgia.

The Board presented Certificates to the members of the 4-H Shotgun Club's Senior Team winners of the Scholastic Clay Target Program for Trap Shooting as State champions.

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
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hear those in favor of the 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. 1196-07:

Director of Community Development Pete Frisina read Petition No. 1196-07, James Larry Carlisle, Glenda Sue Carlisle Mullennix, Vickie Carlisle Lassen, and Marcia Carlisle Gwaltney, Owners, and Attorney Jeff Slade, Agent, request to rezone 32 acres from C-C and A-R to M-1 to develop a self-storage facility and small business facilities. He said this property was located in Land Lot 137 of the 5th District and fronted on S.R. 54 East. He said the Planning Commission recommended approval 5-0 and Staff recommended approval.

Chairman Smith asked if the petitioner was present tonight.

Attorney Jeff Slade remarked that he was the agent for the petitioners. He said the Carlisle family had owned this property located on S.R. 54 East for many years. He said the property was located between two industrial areas and across the street was the Camp Memorial Cemetery. He said the petitioners were asking for a mixed use for the property. He said parts of the property had been zoned commercial over the years

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and the marketing of the property as commercial had not been very successful nor had the marketing as residential been very successful. He said they felt the industrial use would be very compatible with the surrounding property. He said Don West, who was going to develop a portion of the property, was present tonight and he would be glad to answer any questions that the Board might have.

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 rezoning petition. Hearing none, he declared the public hearing closed.

Chairman Smith asked for the Board's pleasure in this matter.

Commissioner Frady said he had a question for Pete Frisina regarding the site plan. He said the zoning map from the Planning and Zoning Department showed one C-H parcel and two M-1 parcels adjoining this property. He noted that the site plan showed this area as A-R. He asked for clarification on the two maps.

Attorney Slade remarked that the site plan was just a report from the surveyor who would not have the real benefit of the rest of the zoning sketches.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to approve Petition No. 1196-07 as presented. The motion carried 5-0. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 1", follows these minutes and are made an official part hereof. A copy of the Ordinance and Resolution granting Petition No. 1196-07, identified as "Attachment No. 2", 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.

There was no public comment.

CONSENT AGENDA: Commissioner Horgan requested item #6 be removed for discussion. On motion made by Commissioner Maxwell, seconded by Commissioner Frady to approve consent agenda item nos. 1, 2, 3, 4, 5, 7 and 8 as presented. The motion carried 5-0.

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TAX REFUND AND ABATEMENT REQUESTS: Approval of list of tax refund and abatement requests as recommended. A copy of the list of tax refund and abatement requests, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

LIBRARY: Approval of staff's recommendation to increase the Donation Revenue Account and the ICLE Revenue Account by \$180 as a result of a donation received from the University of Georgia. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

LIBRARY: Approval of staff's recommendation to increase the Donation Revenue and to increase Other Supplies Account by \$50 as a result of a donation received by a customer to purchase DVD cases. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

WATER COMMITTEE RECOMMENDATION: Approval of Water Committee's recommendation to abandon the 8" waterline on Brooks Woolsey Road and connect the existing services to the Loop waterline. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

WATER COMMITTEE RECOMMENDATION: Approval of Water Committee's recommendation to award the bid for Crosstown Water Treatment Plant Modification to Sedimentation Basins to the low bidder, All South Constructors, Inc. in the amount of \$366,000 and authorization for the Chairman to execute subsequent contracts, subject to submission of applicable bonds and other documents. A copy of the request and contract, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

6. Approval of staff's recommendation to award bid #608 for patching work to low bidder C.W. Matthews Contracting Company, Inc. in the amount of \$600,000 and authorization for the Chairman to execute subsequent contracts, subject to submission of applicable bonds and other documents.

Commissioner Horgan said after having some discussion with the Road Department, he suggested tabling this item.

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Interim County Administrator Jack Krakeel said that County Engineer Phil Mallon was present tonight and he would be able to address this issue for the Board.

County Engineer Phil Mallon said he had prepared a memorandum dated May 17th that discussed this issue. He commented on the current available funds and the funds that the County was using on a daily basis for asphalt. He pointed out that there was only a few more days of available money left to use for paving. He said in reviewing the schedule and in talking with Zack Taylor at the Road Department it was decided that the most prudent thing would be to pull this contract, use that money to purchase asphalt and keep the County's paving operations going. He said then at the start of the next fiscal year the County could either readvertise this contract or have one similar to it. He said the County may look at a milling only option. He said the goal was to continue operations without having to come before the Board to request additional funding.

Chairman Smith clarified that Mr. Mallon's recommendation was that the Board withdraw the contract and not award the bid at all and Mr. Mallon replied yes that was correct.

Commissioner Frady asked for the location of the property.

Mr. Mallon said this contract was not for a specific property and it had identified several projects. He said it was just a general contract. He said the goal would be to free up the money and try to move toward Ebenezer Road in the next week or two.

Chairman Smith clarified that the scope of work that the County was doing was not being changed but it was just being done in house instead of being sent out.

Chairman Smith asked for the Board's pleasure in this matter.

Commissioner Frady said he would like to make a motion to approve the request to cancel the contract and not award the bid.

Chairman Smith asked Assistant County Attorney Dennis Davenport if the Board needed to take action on this item.

Attorney Davenport responded that no action would be necessary and this item would not be considered approved. He said it would take action by the Board to bind the County into a contract.

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Commissioner Frady said he would withdraw his motion.

Commissioner Horgan asked if there would be an official notification to the bidders.

Chairman Smith said notification would go out to the bidders that this was a no bid award.

Attorney Davenport said notification would be necessary so that the bidders would know what the lack of Board action meant as far as not awarding the bid to the contractor.

Chairman Smith said Commissioner Frady had withdrawn his motion and it was the consensus of the Board that a bid would not be awarded in this situation and Mr. Mallon could proceed as planned.

BID #609 AWARDED TO ATCHESON ELECTRICAL CONTRACTORS, INC. FOR TRAFFIC SIGNAL INSTALLATION: Approval of staff's recommendation to award bid #609 for traffic signal installation to low bidder Atcheson Electrical Contractors, Inc. in the amount of \$45,914 plus \$3,700 for the East bound loops that needed trenching for a total amount of \$49,614 and authorization for the Chairman to execute subsequent contracts, subject to submission of applicable bonds and other documents. A copy of the request and contract, identified as "Attachment No. 8", follows these minutes and are made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meetings held on March 7, 2007 and April 26, 2007.

DISCUSSION OF REFINANCING COUNTY BONDS:

Commissioner Maxwell recommended that this item be placed on a Wednesday Workshop agenda for discussion.

STAFF REPORTS:

CHAIRMAN SMITH: Chairman Smith remarked that the Board had been in budget meetings on Monday, Tuesday, and today. He noted that the Board had not completely finished discussion today and the budget meeting today would resume Friday, May 25 at 8:30 a.m. in the Commissioners' conference room.

DEVELOPMENT AUTHORITY PROPOSAL: Chairman Smith said the Board was in receipt of a proposal from the Development Authority, who is the lessor and tenant of

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the Old Courthouse building on the Courthouse Square, asking consideration from the Board to allow them to renovate the third floor which would provide for restroom facilities and also to do some renovation in the remaining area to allow for some facilities for catering. He asked for the Board's consideration in approving the floor plan submitted by the Developmental Authority regarding these renovations. He pointed out that these renovations would be of no cost to the County and would be paid for by a joint agreement between the Chamber of Commerce and the Development Authority.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to allow the Development Authority to make the changes to the Old Courthouse building as presented in the floor plan at no cost to the County. The motion carried 5-0.

CITY OF FAYETTEVILLE ANNEXATION REQUESTS: Director of Community Development Pete Frisina discussed two annexation requests received from the City of Fayetteville. He said the first annexation request was for a 4.87 acre tract on S.R. 54 West which was the Dogwood Forest Assisted Living Facility. He felt the main reason for the request was to allow them to hook onto the sewer. He said this area was zoned O-I and the zoning district that this would be going into in the City was M-O (Medical Office) which was similar to the County's Office/Institutional. He noted that the M-O was a zoning district that they had created for the hospital area. He said the surrounding land was zoned Office/Institutional as well. He said the City had not given any indication of any other development proposed on the property at this time. He said staff had no objection to this annexation request. He said the second request was a 3.85 acre tract on S.R. 54 which was currently zoned Office-Institutional. He said this property was located in the area of Tyson's Nursery. He said the property currently was zoned Office/Institutional and land used for Office/Institutional. He said it was also being proposed to be annexed into the City of Fayetteville and rezoned to M-O (Medical Office). He said they proposed a 40,000 square foot three story medical building. He said this was also located in the S.R. 54 hospital area study which was completed last year and presented to the Board of Commissioners. He said in that study, staff had talked about areas in close proximity to the hospital where offices and medical offices were anticipated. He said with these medical facilities being on sewers, staff did not have any objection to either of these two requests.

Commissioner Frady asked if this would have any affect on the overlay or the area that the County was working with the City of Fayetteville on.

Mr. Frisina replied no. He said this would actually fit right into the plan. He said the Task Force had actually met to discuss these two annexation requests prior to them coming before the Board for consideration. He said the Task Force was in agreement that these were annexation requests that made sense and fit the initial plan that had been agreed upon.

Commissioner Frady said he had no objection to these annexation requests.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to authorize the Chairman to write a letter to the City of Fayetteville stating that the County had no objection to either of these two annexation requests, discussion followed.

Chairman Smith remarked that the City of Fayetteville and the County had been meeting for approximately one year discussing developments in the corridor around the hospital to be sure that the surrounding property was being developed in a way that was consistent with both the City's and County's wishes and desires. He said both of these annexation requests were in keeping with the plan that had been developed through the joint Task Force Committee.

The motion carried 5-0. A copy of the letters, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

EXECUTIVE SESSION: Assistant County Attorney Dennis Davenport requested an Executive Session to discuss one item of pending litigation.

EXECUTIVE SESSION: On motion made by Commissioner Horgan, seconded by Commissioner Pfeifer to adjourn to Executive Session to discuss one legal item. The motion carried 5-0.

LEGAL: Assistant County Attorney Dennis Davenport discussed a legal matter with the Board.

Chairman Smith said any action would be taken in open session on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to authorize the Chairman to execute the Executive Session Affidavit affirming that one legal item was discussed in Executive Session. The

motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

Chairman Smith reconvened the meeting at this time.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to authorize the Assistant County Attorney to proceed in this matter. The motion carried 5-0.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to adjourn the meeting at 8:15 p.m. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk

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 14th day of June, 2007.

Karen Morley, Chief Deputy Clerk