

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, August 1, 2007, 3:30 p.m. in the Commissioners' Conference Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Jack Smith, Chairman
 Robert Horgan
 Eric Maxwell
 Peter Pfeifer

COMMISSIONER ABSENT: Herb Frady, Vice Chair

STAFF MEMBERS PRESENT: Jack Krakeel, Interim County Administrator
 Carol Chandler, Executive Assistant
 Peggy Butler, Chief Deputy Clerk

Chairman Smith called the meeting to order.

PRESENTATION

Sherea Robinson of the Association County Commissioners of Georgia presented the commissioners with an Employee Wellness Program Incentive Grant. She said this grant was to help Fayette County promote health and wellness throughout the county for it's' employees.

PUBLIC HEARING

Consideration of proposed millage rates for ad valorem taxes for 2007.

Chief Financial Officer Mary Holland gave an overview of the proposed millage rates for the 2007 ad valorem taxes. She said this was the second of three public meetings for the consideration of the adoption of the 2007 millage rate. She said as a reminder of the first meeting she was passing out a copy of the proposed rates. She said for the City of Peachtree City the rate would be the Maintenance and Operation millage rate and the proposed number was 5.432. She said that was a decrease of .26 from last year. She said for Fayetteville the Maintenance and Operation rate was 5.432 and with the new EMS tax district there was an additional .550 for a total of 5.982. She said this was an increase from last year of .29. She said Brooks and Tyrone had three components in their millage rate. She said Maintenance and Operations was 5.432, EMS .0550, and Fire Services 2.0. She said that totaled 7.982 which was a reduction of last year of .616. She said for the Unincorporated County Maintenance and Operations was 5.432, EMS .550 and Fire Services 2.0. She said this was the same millage rate as Brooks and Tyrone which was 7.982. She said that was an increase from last year of .188.

Ms. Holland said the above rates were the proposed rates for the millage digests and the Board would be asked at the third and final meeting, which was Thursday, August 9, to consider the resolution for adoption and authorizing the Chairman to sign the resolution.

Chairman Smith said this was a public hearing. He asked if there was anyone who wished to speak in favor or against this millage rate. He said hearing none and seeing none he declared the public hearing closed. A copy of the proposed millage rates, identified as "Attachment No. 1," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Chairman Smith asked that Item 3 be removed for discussion.

Motion was made by Commissioner Horgan, seconded by Commissioner Pfeifer, to approve Consent Agenda items 1 and 2. Motion carried 4-0. Commissioner Frady was absent.

ABANDON AND CLOSE TWO WELLS AT LAKE HORTON

1. Approval to abandon and close the two wells at Lake Horton and to relinquish the State operating permit. A copy of the request, identified as "Attachment No. 2," follows these minutes and is made an official part hereof.

BID AWARD 616 ASPHALT

2. Approval of staff's recommendation to award Bid #616, for Asphalt, to low bidder for Option A, Baldwin Paving as the primary supplier and the overall low bidder for Option B pricing, C. W. Matthews as the alternate supplier. A copy of the request, identified as "Attachment No. 3," follows these minutes and is made an official part hereof.

BID AWARD 691 GRINDING SERVICES

3. Approval of staff's recommendation to award Bid #619, Grinding Services, to low bidder D&S Environmental, for a total of \$34,050 including eight additional hours of work pending execution of a contract and the receipt of insurance certificate and bonds.

Motion was made by Commissioner Pfeifer, seconded by Commissioner Horgan, to approve Consent Agenda item no. 3. Motion carried 4-0. Commissioner Frady was absent. A copy of the request, identified as "Attachment No. 4," follows these minutes and is made an official part hereof.

OLD BUSINESS

Approval to initiate a revised Purchasing Card Program, and approval of the proposed policy and procedures for PCard Program administration.

Chief Financial Officer Mary Holland said she wanted to give the Board an update on the purchasing card program. She said this was for informational purposes and the Board did not need to take any action today. She said this would be presented again at the August 9 Board of Commissioners Meeting.

Ms. Holland said the Board had approved staff to go back and look at the possibility of initiating a new revised purchasing policy regarding PCards. She said this program was cancelled in May 2006. She said for the last year this program had been utilized on a very limited basis such as making travel reservations.

Ms. Holland said the feedback from the county employees was they really wanted to have this mode to make small purchases. She said with the Board's approval they had gathered a task force which included representatives from the various departments. She said they discussed the need of the purchasing card. She said they prepared a proposed draft policy.

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Ms. Holland said the recommendation was to have a few select departments: Fire and EMS, Sheriff's Department and the Clerk's office test this program for sixty days. She said they would monitor how the program was working. She said the recommendation for the use of the Purchasing Card was for small items under \$250.00. She said that was the threshold the group recommended. She said this would apply to small items and travel arrangements. She said if the program was successful they wanted to look at expanding it to additional departments. She said they saw a need in Building & Grounds Maintenance, Water System and Fleet Maintenance. She said they also talked about recommending certain types of transactions that could be purchased with the PCard that would simplify the accounting process.

Ms. Holland said the responsibility would be placed on the department head. She said they would be accountable for the proper use of the purchasing card and would decide which employees in their department would need this type of tool. She said they would be responsible for signing off and providing to Finance who received a PCard and Finance would monitor that. She said the Finance Department would take one card per period and do a detailed audit to make sure employees were in compliance with the adopted purchasing card policy. She said any type of goods that required bids would go through the Purchasing Department. She said Finance would work on automating this process through their service provider, Bank of America, and that would help simplify the process.

Ms. Holland said there were some facts she had gathered she wanted to share with the Board. She said in looking at the requisitions from 2007, of these requisitions 30% were for \$250 or less. She said that meant there was a significant amount of paper work done on small dollar items. She said petty cash had increased tremendously since the PCards were not available. She said for the fiscal year 2007 the Finance Department had processed over 900 invoices and paid out over \$22,000 in petty cash reimbursements. She said that did not include the Water System.

Commissioner Pfeifer said some of the problems they had last time were inappropriate use. He said they had limits on the cards but employees were swiping the card twice or more to purchase an item.

Ms. Holland said they had the ability to put limits on the cards and could put limits on the dollars per transaction and also limits within the department's budget.

Interim County Administrator Jack Krakeel said split billing would not be permitted.

Chairman Smith said he would like to entertain the thought of putting vendors on notice. He said if they circumvented the County's procedure by allowing multi invoices for an item they could be put on notice that it was not allowable to facilitate that type of transaction.

Chairman Smith asked when Finance talked about auditing these cards he noticed in the policy there was an ability to issue cards per department so there will be an identifier. He asked if there was the ability to identify the card not only as to the department that did the charge but as to the person that made the charge. Ms. Holland said they could do that.

Chairman Smith said in the audit process of looking at the cards he hoped that the time they would save processing all the invoices would be equivalent to the time it would take to audit this process. Ms. Holland said they would have to make that work because that was part of the problem with the

original program. A copy of the request, identified as "Attachment No. 5," follows these minutes and is made an official part hereof.

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Approval for Engineering to proceed with editing of the Metropolitan North Georgia Planning District's Model Flood Plain Management/Flood Damage Prevention Ordinance.

Phil Mallon, Public Works Director, said he was before the Board to ask for approval to start the process of adopting a new Flood Plain Management Ordinance. He said if the ordinance was adopted it would have a substantial impact to property owners within the County that were along the state waters as well as the County's budget.

Mr. Mallon said there was an existing flood plain management ordinance and he wanted to review the primary objectives of that ordinance. He said those objectives were to protect human life and health, minimize expenditure of public money for flood control projects, minimize the need for rescue and relief efforts, minimize the time that businesses were down or impacted due to flood damage, minimize damage to public facilities and utilities, maintain a stable tax base by avoiding what some cities have that were acres of what use to be commercial area that was now damaged by floods, and educate and warn existing and potential property owners of the risks associated with certain properties.

Mr. Mallon said that was the goal of the ordinance. He said it had been successful thus far because they had a very aggressive water shed protection ordinance. He said the water shed protection ordinance tells people if they were along larger streams and creeks they could not build very close to them. He said that was wonderful in maintaining adequate flood protection.

Mr. Mallon said they regulated the flood plain by their existing ordinance and the maps that FEMA produced. He said there were maps of the county that highlighted the streams and the flood plains associated with those streams.

Mr. Mallon said under the new ordinance there were two main changes to be aware of. He said one was the start of regulating under what was called future land use conditions. He said that meant they had to determine what was the ultimate build-out in the county and determine what would be the hundred year flood associated with those build-out conditions. He said they would then redraw the maps to show the increased flood plain. He said that was a big exercise with a lot of hydrology, hydraulics, and modeling associated with that. He said the obvious burden was having two sets of flood plains to manage.

Mr. Mallon said FEMA thought doing future flood plains was a great idea but they were still using theirs so they would have to maintain FEMA's as well as these future flood plains. He said this applied to all the cities and counties in the Atlanta that were doing this or had already done it.

Mr. Mallon said the time frame, once the ordinance was adopted, was to model or map about ten percent of the county per year. He said he was about a year and a half behind in getting this adopted so they were projecting 15% to 20% of mapping per year to get on schedule.

Mr. Mallon said part two was an addition to the future flood plain mapping. He said FEMA, as they map the entire country, must figure out where they would stop and how small the stream would have to be to determine there was not a significant flood plain. He said that was a tough call because someone's basement was as easily flooded by a small ditch as flooded by a river if not designed and

built properly. He said any less than one square mile or 640 acres would be where they stopped. He said under the new ordinance it would be expanded to 100 acres.

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Mr. Mallon said this ordinance would make it much more difficult to develop in a flood plain. He said once it was adopted it would essentially prohibit development in that area.

Chairman Smith asked what the time frame was on the County. He asked if they were required to adopt this. Mr. Mallon said the hammer driving this schedule was the EPD audits they went through.

Chairman Smith asked if this was something they had the expertise to do in house or would they have to farm this out. Mr. Mallon said they would have to farm the mapping part out.

Chairman Smith asked if they had money budgeted for this. Mr. Mallon said they put together a CIP and this year they had between \$70,000 and \$80,000 and anticipated they would need that much each year to keep that 15-20% mapping rate completed.

Chairman Smith asked how long this process was going to take. Mr. Mallon said if they stretched it out probably eight years.

It was the consensus of the Board for Mr. Mallon to proceed with this matter. A copy of the request, identified as "Attachment No. 6," follows these minutes and is made an official part hereof.

Discussion and consideration of projects in the Short Term Work Program of the Fayette County Comprehensive Plan to be conducted by the Planning and Zoning Department.

Tom Williams, Planning and Zoning, said he wanted to present to the Board some activities that were identified in the Short Term Work Program. He said first was to determine the applicability of the Georgia Land Conservation Program in terms of funding for the preservation of open space. He said a report would be sent to the County Administrator and Commissioners for informational purposes. He said staff planned to start this project in August 2007 and complete in February 2008.

He said the second project was to conduct the study of the SR 74 North Corridor and institute changes to the Comprehensive Plan and Zoning Ordinance as necessary. He said staff would conduct a land use inventory of development along SR 74 North in Tyrone, Fairburn and unincorporated Fulton County to determine the impact on Fayette County. He said plans were to start this project in September of 2007 and complete in March 2008.

Mr. Williams said they were continuing the joint study of the SR 54 Nonresidential Corridor with the City of Fayetteville and instituting changes to each jurisdiction's Comprehensive Plan and Zoning Ordinance as necessary. He said this was a continuation of the joint effort of Fayette County and the City of Fayetteville to address future land use in the area of the hospital as presented by the SR 54 Task Force Report to the Commissioners in December of 2006. He said staff plans to start this project in November 2007 and complete in May 2008.

Mr. Williams said the fourth project was to conduct a multi-path study for SR 54 to connect Fayetteville and Peachtree City to the hospital area. He said this would result in a report that would be forwarded to the County Administrator and Commissioners. He said staff started this project in January 2007 and will complete it in June 2008.

Mr. Williams said the fifth project was to conduct a multi-use path study for Redwine Road. He said this would result in a report to the County Administrator and Commissioners. He said this plan was started in January 2007 and will be completed in July 2008.

It was the consensus of the Board for staff to proceed in this matter. A copy of the information, identified as "Attachment No 7," follows these minutes and is made an official part hereof.

Discussion of the proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West Overlay Zone, 4. Architectural Standards; B. S.R. 85 North Overlay Zone, 4. Architectural Standards; and C. General State Route Overlay Zone, 4. Architectural Standards as presented by the Planning & Zoning Department.

Dennis Dutton, Zoning Administrator, said on June 6 they requested to study and research the nonconforming structures based on architect in the transportation corridor overlay zones. He said the problem was in the conditional use there was no mechanism for variances. He said if there was an expansion of a nonconforming structure the way it was interpreted it had to be brought to the standards that were in the overlay zone as it was. He said their charge was to establish language in the ordinance to deal with expansion of a nonconforming structure in the overlay zones. He said they presented their proposed changes to the Planning Commission on June 21 and they had concurred.

Mr. Dutton said what had been suggested was "the addition comprising of 50% or less of the total square footage of the structure, the addition does not have to meet the aforementioned Architectural Standards but does have to match the architectural design of the existing nonconforming structure. This is a one-time occurrence only. If the addition comprises 50% or more of the total square footage of the structure, the entire structure must be brought into compliance with the aforementioned Architectural Standards."

Mr. Dutton said they were looking for direction from the Commissioners to set up public hearings.

Chairman Smith said he was curious as to how the 50% number came about. Mr. Dutton said they did not want a structure to be more than double in size.

Chairman Smith said he understood this was a one time addition. He said after this was done one time no matter what percentage was added they would have to make the whole thing meet architectural standards.

It was the consensus of the Board for staff to proceed with this matter. A copy of the information, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

Consideration of the proposed amendments to the Fayette County Code, Chapter 5 Buildings, General Fees, Section 5-212 Work Exempt from Permit of the Construction Codes Ordinance as presented by the Permits & Inspections Department.

Joe Scarborough, Building Permits, said he was seeking consideration of proposed amendments of the Fayette County Code concerning work exempted from permits. He said there was a hardship being imposed on the construction industry concerning the things being addressed now. He said they were trying to allow some relief. He said he wanted to address the masonry pilasters incorporated with walls. He said they wanted to address the pilaster and not the wall. He said on retaining walls that were over four feet there was a problem with the overall height being measured

from the bottom of the footing. He said retaining walls had to do with the unbalanced backfield above the surface. He said he changed the wording on that from the bottom of the footing to the grade to the top of the wall. He said with retaining walls it was a very touchy subject in that codes specifically required any retaining wall over four feet to be engineered. He said they had not had any catastrophic failures of retaining walls. Mr. Scarborough said this proposal was allowing for a cast in place retaining wall. He said it was completely different than a free standing or one that had been reattached. He said they were allowing it to be exempt from the engineering requirement provided they went with the one to one ratio.

Mr. Scarborough said on the plumbing the water closets were not included on replacements. He said it referred to water closets in item 5 for removal and reinstallation but it did not include in item 2 with replacement of sinks, laboratories and closets. He said he added that in.

Interim County Administrator Jack Krakeel said he wanted to provide some background information. He said earlier this year the Board adopted a new building code. He said that building code was substantially significantly different than the previous building code and included a whole new set of permitting requirements. He said as a result of that some of the permitting requirements were significant from a builder's or developer's perspective with things like screens for screen windows would now be inspected as part of the building inspection. He said if someone wanted to replace a facet or toilet they would have to come to the Building Department and get a permit. He said in an effort to identify these issues the Building Department pulled together a group of builders who had been building in the county for a number of years and formed the Residential Advisory Board. He said they had a series of meetings over the course of two to three months during which they went through the new building code and looked at all of these new requirements from the perspective of exempting these items listed in the proposal that would not have a material effect on the safety or the integrity of the building or the structure. He said it was determined after a significant amount of work from these individuals and staff, by exempting these items before the Board today; materially it would not alter the integrity and construction of the building or the safety of the occupants of the building. He said it removed a substantial burden for the citizens of this community as well as developers and builders.

It was the consensus of the Board for staff to draft the changes as presented, prepare in ordinance form and present at a future meeting for adoption. A copy of the information, identified as "Attachment No. 9," follows these minutes and is made an official part hereof.

Discussion of amending the County's Noise Ordinance.

Commissioner Maxwell said on behalf of himself and Commissioner Frady, who could not be at the meeting today, it was their desire to readdress the noise ordinance. He said he was asking the appropriate parties to revisit the noise ordinance to allow the use of certain equipment on private property. He said he had tried to figure out the difference between the noise made by a lawnmower, vacuum cleaner, chainsaw and airplane. He said there were certain exemptions of the current noise ordinance that did not make any sense to him as to why someone could operate a chainsaw all day long, which was way above the decibel level, but at the same time someone could not, for a short period of time, use other equipment.

Commissioner Maxwell said Commissioner Frady said he would support looking at revising the

ordinance. Commissioner Maxwell said his thought was to look at a revision so that people could

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ride their motorcycles on their land. He said he would like to look at crafting something that may limit the number of hours, the number of people, the number of days, or other things to be able to allow motorcycle riding.

Commissioner Pfeifer said there was nothing in the ordinance that prohibited the use of any equipment. He said it did not prohibit noise. He said it specifically exempted things used for maintenance or construction. He said no one locally could address flying aircraft. He said there were ordinances that addressed that. He said if someone was in their house and had to shout to be heard over noise on someone else's property that was a problem. He said he felt that was an intrusion. He said there were efforts back then to address these issues with neighbors but there was no interest in talking about that. He said this was the only choice the Board had to protect the peace and quiet of the people who deserved it.

Commissioner Horgan said he agreed with Commissioner Maxwell. He said he thought the ordinance had gone to the extreme to one side and they should review the ordinance.

Chairman Smith said he read the minutes where the discussion had taken place. He said it seemed to him that there had to be a middle ground. He said he found it hard to imagine that they would put a property owner in a position that they could not use a readily available resource on a track of land of that size. He asked should there be some restrictions? Absolutely! He said he found it hard to believe that a total ban was the answer. He said he was not sure what the answer was but he was convinced that what they saw was not necessarily the solution. He said he thought it was incumbent upon them to have staff take a look at this to figure out if there was a ground that was acceptable.

Chairman Smith said he understood Commissioner Pfeifer's comments on not infringing upon neighbors but he thought it was the same result if they took away his right and infringed on him. He said he thought they should have staff take a look at the ordinance and see if there was a middle ground that made any reasonable sense.

Commissioner Pfeifer said he disputed the statement that they had a total ban on anything. He said if they chose to ride, as in this case dirt bikes on a piece of property, it was fine as long as the noise did not ruin the neighbor's life. He said that was the problem they had. He said he had been to three or four tracks in this county. He said the size of the property was irrelevant because the track was not in the middle of the property but was on the edge.

Commissioner Horgan asked if the noise ordinance was generated from the complaints from Mr. Lovelace's track. Commissioner Pfeifer said there were complaints from three operating tracks.

Chairman Smith said they should study this as long as they did not look at it with a preconceived answer. He said staff may look at it and say given the lay of the land or the particulars of a situation they did not think anything should be changed. He said that was an important piece of this equation.

Commissioner Maxwell said he would like to hear from other citizens out there. He said last time somebody was going to win. He said he felt there was some kind of middle ground out there.

It was the consensus of the Board for staff to proceed in this matter.

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STAFF REPORTS:

Joel Benton, Tax Assessor's Office, asked permission from the Board to move forward on the conversion of the Fayette County assessments to a new software system. He said the current system the county was on had crashed and they were down for over a week. He said they needed to move forward on this project as soon as possible. He said he was requesting approval to move forward with Tyler Technologies. He said Tyler Technologies was currently over the Munis program used by the county. He said this was approved in the budget.

Mr. Benton said the system crashed three days after they submitted the digest to the Tax Commissioner's office.

Chairman Smith asked how long it would take to complete the conversion. Mr. Benton said if they started the process soon they would plan to go live August 2008.

Motion was made by Commissioner Pfeifer, seconded by Commissioner Horgan, for the Tax Assessor's office to enter into a contract with Tyler Technologies to begin the migration of the assessor's data from the existing system into the Munis module. Motion carried 4-0. Commissioner Frady was absent.

Tony Parrott, Water Systems Director, said there was a staff gage that was calibrated by the United State Geological Survey. He said they had offered to install a flow monitor with a rain gage on the Flint River which would provide real time monitoring with internet access. He said the installation was \$23,000. He said the maintenance cost was \$13,200 a year. He said it would benefit the Water System because it would give an impeachable record of the flows which they had to report on a daily basis. He said a more accurate device would enable them to get closer to the 16 million a day that was available in the river.

Mr. Parrott said he needed the Board's approval for the chairman to execute the new contract with USGS for this monitoring and to maintain it yearly.

Motion was made by Commissioner Pfeifer, seconded by Commissioner Horgan, to authorize the chairman to sign the contract with USGS for the yearly maintenance of a flow monitor with rain gage on the Flint River in the amount of \$13,200. Motion carried 4-0. Commissioner Frady was absent. A copy of the contract, identified as "Attachment No. 10," follows these minutes and is made an official part hereof.

County Administrator Jack Krakeel said he had one real estate item for Executive Session.

Commissioner Eric Maxwell said he had one legal item for Executive Session.

Motion was made by Commissioner Horgan, seconded by Commissioner Pfeifer to adjourn to Executive Session to discuss one real estate item and one legal item. Motion carried 4-0. Commissioner Frady was absent.

EXECUTIVE SESSION:

REAL ESTATE: Jack Krakeel discussed a real estate item with the Board.

The Board authorized staff to proceed in this matter.

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LEGAL: Eric Maxwell discussed a legal item with the Board.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT:

Motion was made by Commissioner Pfeifer, seconded by Commissioner Horgan, authorizing the Chairman to execute the Executive Session Affidavit affirming that one real estate and one legal item were discussed in Executive Session. Motion carried 4-0. Commissioner Frady was absent. A copy of the Affidavit, identified as "Attachment No. 11," follows these minutes and is made an official part hereof.

Motion was made by Commissioner Pfeifer, seconded by Commissioner Horgan, to adjourn to regular session. Motion carried 4-0. Commissioner Frady was absent.

Motion was made by Commissioner Horgan, seconded by Commissioner Pfeifer, authorizing the chairman to execute the quit claim deed to transfer the old Black Rock voting district to New Hope Baptist Church in exchange for an easement and location of a warning siren and 15 indigent burial sites. Motion carried 4-0. Commissioner Frady was absent.

There being no further business to come before the Board, the Chairman adjourned the meeting at 5:15 p.m.

Peggy Butler, Chief Deputy Clerk

Jack R. Smith, Chairman

The foregoing minutes were dully approved at an official meeting of the Board of Commissioners of Fayette County, Georgia held on the 5th day of September 2007.

Peggy Butler, Chief Deputy Clerk