



BOARD OF COMMISSIONERS

Jack Smith, Chairman
Herb Frady, Vice-Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer



STAFF

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



MEETING LOCATION

Public Meeting Room
Administrative Complex
140 Stonewall Avenue
Fayetteville, GA 30214



MEETING TIMES

2nd and 4th Thursday each month at 7:00 pm



COMMISSION OFFICE

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Action Agenda

Board of Commissioners
July 24, 2008
7:00 P.M.

Call to Order, Invocation and Pledge of Allegiance.

Chairman Smith called the July 24, 2008 Board of Commissioners meeting to order at 7:09 p.m. Commissioner Pfeifer gave the invocation. Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Pfeifer moved to accept the agenda as published and was seconded by Commissioner Horgan. Chairman Smith stated that an Executive Session took place prior to this meeting in which an item of litigation was discussed and asked for the agenda to be amended in order for Attorney Laurel Henderson to present her recommendation to the Board prior to Public Hearings. Chairman Smith also asked that Consent Agenda Item 3 be reworded to read "three requests" instead of "two requests". Commissioner Maxwell moved to amend the agenda with the two changes as requested and was seconded by Commissioner Horgan. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

A. Recognition of Eagle Scout Cole Harp.

Captain Pete Nelms and Environmental Engineer Vanessa Birrell introduced Mr. Cole Harp to the Board and informed the Commissioners about Mr. Harp's work. Mr. Harp then gave a brief explanation of his work. Chairman Smith congratulated Mr. Harp before reading and presenting a letter of commendation to Mr. Harp.

B. Recognition of Eagle Scout Samuel Strawbridge.

Eagle Scout Samuel Strawbridge spoke about his Eagle Scout project and the work it involved. Chairman Smith commended and congratulated Mr. Strawbridge before giving a letter of commendation to Mr. Strawbridge.

C. Presentation of the Government Finance Officers Association Certificate for Excellence in Financial Reporting for Fayette County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2007.

Interim County Administrator Jack Krakeel informed the Board that Fayette County has received notification from the Government Finance Officers Association stating that for the fifteenth consecutive year Fayette County has received the Excellence in Financial Reporting Certificate for Fayette County's Comprehensive Annual Financial Report. He congratulated the Board on the achievement as well as Chief Financial Officer Mary Holland and Assistant Finance Director Toni Jo Howard who have the principal duty and responsibility to submit the Comprehensive Annual Financial Report on an annual basis while ensuring it meets all the requirements established by the Government Finance Officers Association. Chairman Smith thanked Ms. Holland and Ms. Howard for the consistently hard work on behalf of the citizens of Fayette County.

D. Presentation of the Georgia Association of Water Professionals 2008 Platinum Award to the Fayette County Water System Crosstown Water Plant and the South Fayette Water Plant for complete and consistent compliance with the Safe Drinking Water Act for the year 2007.

Assistant Water System Director Russell Ray informed the Board that the Fayette County Water System's Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant had received the Water Professionals 2008 Platinum Award, and explained how the award is obtained. He congratulated the Water Plant operators since they are knowledgeable and capable of complying with the rules and regulations required to produce safe water for the public. Chairman Smith commended and thanked the Water System staff and the Water Plant operators who are the hands-on people who work to ensure that Fayette County citizens have safe water to drink.

ATTORNEY'S REPORT

Settlement of Lawsuit regarding Signage: Chairman Smith reminded the Commissioners that the agenda had been amended to allow for an attorney's report to be presented prior to the public hearings. Attorney Laurel Henderson of Henderson & Hundley Law Firm located in Decatur, Georgia, asked the Board to consider a proposed settlement in the lawsuit filed by Curtis "Bubba" Coffey, Wayne Charles, and Tanner Advertising Group against Fayette County, Georgia. Ms. Henderson gave the Board reasons for her recommendation to accept the proposed settlement and discussed the results of accepting the proposed settlement. Chairman Smith asked several questions of Ms. Henderson relating to her qualifications, the monetary cost and work associated with not accepting the proposed settlement, the probability of the County winning the suit, and the monetary loss Fayette County could expect should it lose the suit. Commissioner Maxwell moved to accept the proposed settlement requiring Fayette County to pay \$50,000 in attorneys' fees and \$5,000 to Mr. Coffey, to allow the location of two billboards on Highway 85, and to authorize the Chairman to sign the settlement documents. Commissioner Horgan seconded the motion. Commissioner Pfeifer stated he would oppose the motion and gave the reasons for his opposition. Commissioner Frady stated he would support the motion since he thought the taxpayers would be at risk and thought the Board would have to take counsel's advise on the matter. Chairman Smith thanked Ms. Henderson for her work on behalf of Fayette County and said that, while none of the options available are particularly appealing, the County was in a position where it had to pick the lesser of two evils. He also asked for the record to reflect that, while the majority of the Board of Commissioners inherited the lawsuit, it was left to this Board to deal with it. The motion passed in a 4-1 vote with Commissioner Pfeifer voting in opposition.

PUBLIC HEARING:

- E. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitation of Walls and Fences and Section 5-11. Common Area, and Article III. Definitions, Common Area, Fence, and Wall as presented by the Planning and Zoning Department. THE PLANNING COMMISSION RECOMMENDED APPROVAL WITH MODIFICATIONS IN A 4-1 VOTE.**

Community Development Director Pete Frisina addressed the Board about the need for the proposed amendments to the Fayette County Zoning Ordinance. He also spoke about the requirements in the proposed amendments, how they would apply to certain situations, exemptions to the proposed amendments, and how they could be maintained and enforced. Chairman Smith questioned the wording of the proposed amendments and discussed the wording with Mr. Frisina and County Attorney Scott Bennett. Commissioner Pfeifer acknowledged the hard work performed by Planning and Zoning staff, the Planning Commission, and the Board before thanking them for their work. Commissioner Maxwell asked for some clarity of the proposed amendments before reminding the Board that he was not in favor of the proposed amendments since he was in favor of less government and the proposed amendments were too broad. He continued saying he had a problem with the proposed amendments because of the way the review was started, because there was no permit process in place, because a tax could be imposed in the future for putting up a fence, and because there was no reason to pass a new ordinance to replace an unenforced old ordinance since there was no assurance the new ordinance would be enforced. He said, based on the reasons given, he could not support the proposed amendments. No one from the public spoke to the Commissioners about this issue. Chairman Smith suggested that the Board table this item until the August 14, 2008 meeting in order to allow Mr. Bennett to review the proposed amendments and reword them as discussed. Commissioner Frady agreed and moved to table the item until the August 14, 2008 meeting in order to enable Mr. Bennett to reword and review the proposed amendments as discussed. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

- F. Consideration of a Beer and Wine Packaged Sales License for Pumpers Food & Gas, d/b/a Fayette Village BP, 1408 S.R. 54 West, Fayetteville, GA. Sudesh Kumar Dhingra, Owner, and Shiraz Muhammad Aly, Agent. This property is located in Land Lot 25 of the 7th District, fronts on S.R. 54 and Huiet Road, and is zoned C-H. This is for Change of Ownership.**

No one spoke in favor of or in opposition to this request. Commissioner Horgan moved to approve the change of ownership of a Beer and Wine Packaged Sales License to Sudesh Kumar Dhingra, Owner, and Shiraz Muhammad Aly, Agent of Pumpers Food & Gas, doing business as Fayette Village BP, 1408 S.R. 54 West, Fayetteville Georgia. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

No one addressed the Board during Public Comment.

CONSENT AGENDA:

Commissioner Pfeifer moved to approve the Consent Agenda as printed with the change that the Chairman noted for Item 3 from “two requests” to “three requests” and without Consent Agenda Item 8 which is approval of minutes. Commissioner Maxwell said he wanted to hear either Interim Fire Chief Allen McCullough or Captain Pete Nelms speak about Consent Agenda Item 1. Commissioner Pfeifer amended his motion to approve Consent Agenda Items 2-7. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

- 1. Approval to authorize the Chairman to execute documents for the Georgia Department of Community Affairs accepting a Special Project Appropriation Grant in the amount of \$200,000 for use toward the construction of an emergency operations facility in Fayette County.**

Commissioner Maxwell said he wanted a presentation regarding the grant application since Fayette County had been awarded some money and it was hard for him to have it acknowledged only on a Consent Agenda. Interim Chief McCullough spoke about the grant application and how the funding was obtained. Commissioner Maxwell thanked Chief McCullough and Captain Pete Nelms for working on and receiving the grant money. Commissioner Maxwell moved to approve Consent Agenda Item 1. Commissioner Frady seconded the motion. Commissioner Pfeifer commented that the \$200,000 from the State is also partially supplied by Fayette County taxpayers. Chairman Smith noted there is a time limit on the grant requiring the funds be expended within 12 months and in the accountability clause it is subject to audit. The motion passed unanimously.

- 2. Authorization to increase the county’s mileage reimbursement amount in accordance with the county’s established travel policy for expenses related to travel for official business. This adjustment is a result of a change in the IRS reimbursement rate.**
- 3. Approval of recommendations related to three requests for tax refunds as presented.**
- 4. Approve reappointment of Peki Prince to the Region 4 EMS Council.**
- 5. Approval of staff’s recommendation from Department of Fire and Emergency Services to award Bid #668 for Fire and EMS Protective Clothing to Fireline, Inc. And North American Fire Equipment Company (NAFECO).**
- 6. Authorization to increase the Overtime Expenditure Budget Account for the Fayette County Sheriff’s Office Criminal Investigation Division to include reimbursement from Federal agencies for personnel assigned to assist in various investigations.**
- 7. Consideration of the revised Alcoholic Beverage Application Form (New Location, Change of Ownership, and Renewal) and the revised Personnel Statement Form as presented by the Planning and Zoning Department.**

8. Approval of minutes of the June 26, 2008 Board of Commissioners' meeting and the July 2, 2008 Board of Commissioners' Workshop meeting.

Commissioner Pfeifer moved to approve the June 26, 2008 minutes and not approve the July 2, 2008 minutes due to the format. The motion died for lack of a second. Commissioner Frady moved to approve Consent Agenda Item 8. Commissioner Horgan seconded the motion. Chairman Smith asked Commissioner Pfeifer if there were anything in the minutes that is technically incorrect or omitted. Commissioner Pfeifer replied there was nothing technically incorrect or omitted in the minutes. Chairman Smith asked if he objected to the form of the minutes. Commissioner Pfeifer answered that was correct. The motion passed 4-1 with Commissioner Pfeifer voting in opposition.

OLD BUSINESS:

G. Consideration of proposed amendments to the Fayette County Code, Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts, Sec. 10-42. Street Authorization to be added in its entirety as presented by Planning and Zoning, Public Works, and the Sheriff's Office. (Renumber existing Sec. 10-42. to 10-43. and renumber remaining sections.)

Mr. Pete Frisina spoke about the proposed amendments to the Fayette County Code as requested and answered the Board's questions. Commissioner Frady moved to adopt the proposed amendments to the Fayette County Code, Chapter 10, Motor Vehicles and Traffic, Article III. Motorized Carts, Section 10-42 with Street Authorization to be added in its entirety, to renumber existing sections 10-42. and 10-43. and to renumber the remaining sections. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

NEW BUSINESS:

H. Consideration of a request from Sheila Studdard, Clerk of Superior Court, that Fayette County affiliate with the Georgia Superior Courts Cooperative Authority which would allow Fayette County records to be provided to the Authority in exchange for a fee.

Clerk of Superior Court Sheila Studdard explained her request to the Board, provided the Commissioners a copy of the proposed agreement, and answered their questions. Mr. Krakeel also informed the Board that approximately \$28,000 was budgeted for microfilming records in the current 2009 fiscal year budget. He said if the Board approved the request approximately \$28,000 would be removed from the budget and placed in the General Fund's fund balance, the money would not be required expenditure, and the County would realize an automatic savings. Mr. Krakeel also pointed out that the money received by the Clerk of the Court for the images sold to the authority would be solely dedicated to imaging and microfilming the records prior to the year 2002 until that project is complete. Chairman Smith noted two changes that he had requested for in the agreement and said the agreement the other Commissioners had differed slightly from his due to those requests. He said his first request, based on Item 3, was to change from a calendar year accounting to a fiscal year accounting in order to coincide with the County's accounting year. He stated his second request was based on Item 4 that says all funds received by the Clerk of the Court are dedicated for those records until they are complete and if there is any money left over at the end of the year that has not been expended it will carry over and be expended in subsequent years until the project is complete. He asked that when the project is complete that the residual balance in the account be remitted to Fayette County. Commissioner Frady moved

to approve the resolution entering into an agreement with the Office of the Clerk of Superior Court as presented for the preservation of records with the changes as noted by the Chairman and to authorize the Chairman to sign the same. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

I. Approval of staff's recommendation to award the bid for the Milam Road Culvert Repair Contract (Proposal #658) to Engineering Restorations, Inc. for the amount of \$97,600. This project also includes other improvements to the bridge.

Road Department Director Zack Taylor explained the request to and answered questions from the Board. Commissioner Horgan moved to approve staff's recommendation to award the bid for the Milam Road Culvert Repair Contract to Engineering Restorations, Inc. for the amount of \$97,600. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

J. Consideration of Water Committee's recommendation to award the annual contract for waterline extensions to the low bidder, Lantz Construction, at a cost of \$1,149,635.

Assistant Water System Director Russell Ray spoke to the Board about the recommendation and answered questions from the Board. Commissioner Frady moved to approve the Water Committee's recommendation to award the annual contract for waterline extensions to the low bidder, Lantz Construction, at a cost of \$1,149,635. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

ADMINISTRATOR'S REPORT

Professional Exchange Program: Interim County Administrator Jack Krakeel said Fayette County had received notification from the Department of Homeland Security and the Georgia Emergency Management Agency that "one of our own" has been selected to participate in a professional exchange program that exists between the Georgia National Guard and the Republic of Georgia in eastern Europe. He said the focus of the exchange program is Emergency Management, and that program will begin on September 9 and end on September 18, 2008. He said the State of Georgia nominated Captain Pete Nelms to represent the state from an Emergency Management perspective and the nomination was accepted by the Georgia National Guard. He requested the Board's concurrence with that distinction and to allow the Emergency Management Coordinator to represent the state of Georgia in this initiative between two countries in order to exchange best, recommended practices and to expand the knowledge basis between the two countries. He mentioned he knew several individuals who had the opportunity in different professional endeavors associated with public service and who have undertaken trips like these before saying they are not vacations since they will involve intensive work activities that are scheduled while abroad. He thought it was quite a distinction and an honor that one of Fayette's own was selected and recognized to represent Emergency Management. He noted that Captain Nelms was in the audience, congratulated him, and asked for the Board's concurrence to allow him to participate in the program. The Board verbally gave their concurrence. Chairman Smith asked Captain Nelms to stand and be congratulated before thanking Captain Nelms for all his work and contribution to the County.

Research of Backup to the Fayette Senior Service Center: Mr. Krakeel said, with the Board's concurrence, he had directed staff to research the feasibility of providing some backup capability to the Fayette Senior Service Center over the course of the next couple of days. He reported that the Senior Service Center was struck by lightning during the previous night and that strike disabled the Center's telephone system. He said the Center is heavily dependent on their phone system since it notifies senior citizens of their meals-on-wheels program. He explained that the County has the capability through the Justice Center to provide some backup capability to the Senior Service Center should this event occur again. He said the backup could be achieved with very minimal cost since the county could provide the Senior Service Center with land lines and leads are already there. He summarized that the Justice Center could provide backup capability in the event that the Senior Service Center loses their phones again due to a lightning strike, construction interruption, or some other unanticipated event.

ATTORNEY'S REPORT

University of Massachusetts-Amherst Water Testing Study: County Attorney Scott Bennett said he had a project funding agreement that Water System Director Tony Parrott brought to their attention previously and reminded them that it is the County's agreement to participate in a study with the University of Massachusetts-Amherst in which they take water samples from the County's watersheds and test for certain pollutants, other contaminants or the possibility of contamination. He said the agreement requires a \$3,000 contribution toward the project and in return for the contribution the County would have its water tested, would be part of the study, and would be entitled to any reports or any type of literature or research results generated from the report. Commissioner Horgan moved to allow the Water System to enter into the agreement and to authorize the Chairman to sign the agreement documents for the University of Massachusetts Water Testing Program at a cost of \$3,000. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

Revised Payment Schedule under the Tyler Technologies GIS Contract: Mr. Bennett said the second agreement was an amendment to an agreement. He said Fayette County currently has a contract with Tyler Technologies to provide software for the Tax Assessor's office in order to get the GIS system transferred. He reported Tyler Technologies has run into some problems, that the final project is not complete, but the contract requires the County to pay the final payment under their schedule. He said Tyler has agreed to revise the payment schedule in order to make the final payment due October 1 and that would give them time to complete the project before the County makes the final payment on the project. He reiterated that this is an amendment to a contract to lengthen the payment schedule to allow Tyler Technologies to complete the project before final payment is made. Commissioner Pfeifer moved to authorize the Chairman to sign the revised payment schedule under the Tyler Technologies GIS contract. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

EnerGov Solutions Software Purchase Contract and Support and Maintenance Agreement: Mr. Bennett stated that previously the Board authorized Community Development to purchase new software for their department and EnerGov Solutions has been selected to provide the software. He said he had the contracts for the purchase of the software and servicing the software at a total cost of \$54,779.85. Commissioner Frady moved to authorize the Chairman to sign the EnerGov Solutions Software Purchase Contract and the Support and Maintenance Agreement at a cost of \$54,779.85 for Community Development software implementation. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

AllSouth Contracting, Inc. Contract: Mr. Bennett said the Board previously awarded the bid for additional pumping capacity at the Flint River Pump Station to AllSouth Contractors, Inc. and he had the contract available. He said he reviewed the payment bond, surety bond, performance bond, and insurance before saying the contract was in order and ready for the Chairman's signature. He concluded saying the contracted cost was \$372,203. Commissioner Frady moved to authorize the Chairman to sign the contract with AllSouth Contractors, Inc. to upgrade the Flint River Pump Station in the amount of \$372,203. Commissioner Horgan seconded the motion. The motion passed unanimously.

STAFF REPORTS

Upcoming Millage Rates Recommendation: Ms. Mary Holland reported that the Board should have received information on the recommendation that staff will be making in regards to the 2008 millage rates. She said staff would come before the Board at the August 14, 2008 meeting to ask the Board to adopt the recommended rates as presented. She said the provided information also included a copy of the format that will appear in next week's daily news for the required advertisement prior to the meeting. She said the millage rates include a rollback of the reassessments.

Cancellation of the August 6, 2008 Workshop Meeting: Executive Assistant Carol Chandler said the deadline for submitting agenda requests for the Wednesday, August 6 Workshop meeting has closed. She reported there was very little to prepare for that meeting and asked that they consider canceling the Workshop Meeting. Commissioner Maxwell said he thought an item had been placed on that meeting at his request but had no objection to placing in on the next available Wednesday workshop. Commissioner Frady moved to cancel the Wednesday Workshop Meeting to be held on August 6, 2008. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

BOARD REPORTS

Intersection Study with Tri-County Alliance: Chairman Smith said Fayette County received a request several months ago from the Tri-County Alliance to participate in an intersection study at Interstate 85 and Georgia Highway 74 for the purpose of alleviating some of the traffic there. He said most are aware that the traffic at that intersection, to a great extent, is generated from within Fayette County by commuters driving north to work. He reported that money is in the County's SPLOST that was designated for a Highway 74 traffic study in the amount of approximately \$75,000. He explained the money was set aside to do a couple of things originally and one of them was to investigate running parallel access roads to Georgia Highway 74. He said the intersection study cost is approximately \$100,000 and the South Fulton Community Development CID has pledged \$50,000 towards that study leaving a balance of \$50,000. He said, based on his understanding of the money that has been set aside in SPLOST, he was comfortable recommending to the Board that the County designate approximately \$40,000 of that money to participate in the intersection improvement study. He said, once the study was successful, it would work to alleviate the traffic burden on Fayette County citizens trying to get on the interstate to drive north. He asked for the County to commit to \$40,000 payable out of SPLOST funds and made payable to the Tri-County Alliance for the intersection improvement study at Highway 74 and Interstate 85 and made payable upon condition that Tri-County Alliance secure the remaining \$10,000 that will take to do the intersection study. Commissioner Frady moved to approve \$40,000 payable to the Tri-County Alliance for the intersection study at Interstate 85 and Georgia Highway 74 payable upon Tri-County's commitment of securing the remaining \$10,000 to do the study. Commissioner Horgan seconded the motion. Chairman Smith said this was an opportunity for Fayette County to do something that, while it is not exactly in Fayette County, has a tremendous impact on the transportation corridor within Fayette County and the Fayette County commuters. The motion passed unanimously.

EXECUTIVE SESSION

An Executive Session was held in the Commissioners' Conference Room at 6:00 p.m. and adjourned at 7:00 p.m. Notice of the earlier Executive Session was posted prior to the meeting. During the Executive Session the Board discussed litigation and real estate acquisition items.

Executive Session Affidavit: Mr. Bennett said, while everything was conducted earlier in Executive Session, the Board did not make the customary motion about the executive session affidavit. Commissioner Frady moved to authorize the Chairman to sign the Executive Session Affidavit stating that the Board talked about real estate acquisition and litigation items. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT

Commissioner Frady moved to adjourn the July 24, 2008 meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Smith adjourned the July 24, 2008 meeting at 8:59 p.m.

Floyd L. Jones, Deputy Clerk