



## *Minutes*

Board of Commissioners  
October 9, 2008  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, October 9, 2008 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 Present:

Jack Krakeel, Interim County Administrator  
Scott Bennett, County Attorney  
Carol Chandler, Executive Assistant  
Floyd L. Jones, Deputy Clerk

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### **Call to Order, Invocation, and Pledge of Allegiance.**

Chairman Smith called the October 9, 2008 Board of Commissioners meeting to order at 7:01 p.m. Commissioner Pfeifer gave the invocation. Chairman Smith led the audience in the Pledge of Allegiance.

### **Acceptance of Agenda.**

Commissioner Horgan moved to accept the agenda as published. Commissioner Pfeifer seconded the motion. No discussion followed. The motion passed unanimously.

### **PRESENTATION/RECOGNITION**

#### **A. Recognition of the Friends of Fayette County Public Library and Proclamation of October 19-25, 2008 as National Friends of Libraries Week.**

Chairman Smith read the "National Friends of Libraries Week" Proclamation and recognized October 19-25, 2008 as National Friends of Libraries Week.

Library Director Christeen Snell thanked Chairman Smith and remarked that, while she was very delighted to have an incredible library in the Fayette County community, she was more delighted that advocates of the Friends of Fayette County Public Library were in attendance. She introduced Ms. Arlys Ferrell, President of Friends of Fayette County

Public Library, to the Commissioners. Ms. Ferrell then introduced the other members of the Friends of the Fayette County Public Library who were in attendance including Vice-President Dortha Stenson, Assistant Treasurer Jim Born, and Mrs. Maureen Born of the Hospitality Committee.

Chairman Smith thanked the Friends of Fayette County Public Library for all they do for Fayette County and said they were appreciated more than they would ever know. A copy of the request and proclamation, identified as "Attachment 1", follow these minutes and are made an official part hereof.

## **PUBLIC COMMENT**

**Mr. Mike Flynn:** Mr. Mike Flynn, a resident of Fayette County, reminded the Board that he was the one who requested that Sumner Road be approved for golfcart usage, and on behalf of his neighbors and himself he extended gratitude to the Board for quickly approving the request. He also extended thanks to Community Development Director Pete Frisina for all of his work related to the request, Captain Bryan Woodie of Fayette County's Sheriff's Department-Traffic Division, the Fayette County engineer, the road crew who placed signage on Sumner Road so quickly, and all others involved in this approval process. He said Fayette County "just did a marvelous job". Mr. Flynn next stated that the request for golfcart usage on Sumner Road was not only for personal pleasure but there were other reasons as well. He conjectured that if every one of the 47 golfcarts in The Landings subdivision traveled only ten miles per week that would equate to 470 miles per week or 24,440 miles a year. He said if the average of 18 miles per gallon of gas were used, the residents of The Landings subdivision would save approximately 1,358 gallons of fuel in one year. He summarized by saying the residents of The Landings subdivision were all trying to do their part, and thanked the Board once again for quickly approving the request.

**Mr. Johnny Black:** Mr. Johnny Black, a resident of Fayette County, began by saying he spoke to the County Attorney several months ago about "getting a seasonal game processor started in an agricultural district of Fayette County". He said he checked the ordinances, was informed the Board could change the ordinance, but confessed he did not know what steps to take in order to present his concerns. He said the County Attorney informed him that seasonal game processing is not addressed in the County Ordinances and therefore is not permitted in Fayette County. Mr. Black stated that he did not completely understand why seasonal game processing is not permitted in Fayette County and thought the reason for prohibiting seasonal game processing was inadequate. After saying he researched this issue, he presented a document with his findings to the Board for their review. Mr. Black said seasonal game processing is beneficial for the community and the county and suggested that seasonal game processing should be permitted in A-R districts throughout Fayette County. He clarified that the only place in Fayette County zoned for "this type of business" was along Roberts Road, but he thought any agriculture district in Fayette County would be sufficient for seasonal game processing. He added that households would benefit, as well as the community and the county, that the benefits were good reasons to change the County Ordinance, and briefly reviewed some of the benefits. He said he has "a lot of support in the community" that he lives in, that he has spoken to a number of people throughout the community, and that no one has any complaints with his request.

## CONSENT AGENDA

Commissioner Pfeifer moved to approve Consent Agenda Items 1 and 2. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's request to utilize reserve Library funds to purchase new hardware, software and networking equipment for the purpose of upgrading the Library's Computer Infrastructure at an aggregate cost of \$49,200. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**
2. **Approval of a request from 911 Communications to award Proposal #679 to Priority Dispatch Corporation to provide a new Emergency Medical Dispatch Program, training and certification for employees, and a comprehensive Quality Assurance Program, at a total cost of \$46,703.74. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

## OLD BUSINESS

- B. **Approval of staff's request for Contingency Account funds in the amount of \$137,500 to pay unanticipated costs associated with soil and water mitigation and removal for Public Works/Fleet Maintenance underground storage tank capacity upgrade project.**

Director of Fleet Maintenance Bill Lackey requested that \$137,500 be transferred from Contingency Funds to cover the unanticipated costs associated with the underground storage tank capacity upgrade project.

Chairman Smith asked if he properly understood that the project has been in planning "for a while". Mr. Lackey replied that the project was planned for some time and that the project had been completed. Commissioner Frady asked how this project "slipped by" without getting into the budget. Chairman Smith replied that the project was in the budget but that it cost more than was originally budgeted. Commission Maxwell added that this was a contamination situation and said this amount of money was not the cost of the project *per se*. Mr. Lackey replied that larger tanks were installed which required digging deeper into the ground, however, the water table at the location was so high that there was a lot of seepage coming in that required the water to be continually removed. He said the funds he was requesting were needed due to the amount of water removed and the sides of the dig that were falling in.

Commissioner Horgan asked if the County did all of the construction or if an outside company performed the work. Mr. Lackey replied that an outside contractor did the work. Commissioner Horgan asked if the contractor would be responsible for the sides falling in. Mr. Lackey replied that money was budgeted in anticipation of these types of complications, but the amount of water that came in due to "digging deeper" was more than anticipated. Commissioner Horgan asked how much money was paid in anticipation of complications. Mr. Lackey replied that he did not have that information with him but the amount was calculated in the contract provided by Mallet Consulting. Interim County Administrator Jack Krakeel interjected that approximately \$28,000 was budgeted for removal of soil and any groundwater. He said when the contractors ran into the excessive groundwater and the sloughing of the sides of the dig as a result of the groundwater, the County negotiated with the contractor and the contractor actually lost money. Commissioner Horgan clarified that the contractor participated in the loss, and Mr. Krakeel agreed. Mr. Krakeel added that the contractor's cost for the soil and water removal was substantially below any competitive bids Fayette County received during the bidding process for this project.

Commissioner Horgan moved to approve staff's request for Contingency Account funds in the amount of \$137,500 to pay unanticipated costs associated with soil and water mitigation and removal for Public Works/Fleet Maintenance underground storage tank capacity upgrade project. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

## **NEW BUSINESS**

**C. Consideration of the proposed annexation from the City of Peachtree City to annex 35.001 acres, Scarbrough & Rolander, L.L.C., to add said property to the Wilksmoore Village. This property is located in Land Lot 166 of the 7<sup>th</sup> District, is zoned A-R, and fronts on Wilkes Grove Church Road (off Senoia Road).**

Community Development Director Pete Frisina reported that a proposed annexation request was received from the City of Peachtree City for 35 acres. He said the 35 acres consist of four tracts of land that are located in the area of Wilkes Grove Church Road west of the State Route 74 and the railroad tracks in Peachtree City, and that the Board had been provided a survey of those tracts of land for their review. Mr. Frisina stated that the 35 acres constitute an island, meaning they are surrounded by the City of Peachtree City on all four sides. He explained that the island was created after Peachtree City previously annexed more than 700 acres in the West area for future development of another village consisting of some John Wieland properties, an age community and other properties. He explained that the property being proposed for annexation is east of the earlier annexations and repeated that it is completely surrounded by Peachtree City. He informed the Board that staff has no objection to the proposed annexation and that the annexation would reduce the size of the island. Mr. Frisina concluded his presentation saying if Peachtree City annexed the land, unincorporated Fayette County would still have a little land north of the annexations between the new Peachtree City boundaries and the boundaries of the Town of Tyrone.

Commissioner Frady asked if the A-R zoning in Peachtree City was still a reserve zoning and if it was reserve zoning by principle only and not by ordinance. Mr. Frisina replied that Peachtree City referred to the zoning as "Agricultural Reserve", and he thought some residential developments were permitted in Agricultural Reserve zoning districts. He said, based on comments by the Peachtree City's Planner David Rast, that Peachtree City stated nothing was proposed for the area at this time, but that Peachtree City "may classify the area for office or educational uses". He added that Peachtree City would annex the land as Agricultural Reserve, but he conjectured that the land would likely be absorbed into a larger development at some point in time. Commissioner Frady asked how much of the land was usable since a cemetery was located there. Mr. Frisina answered that he did not have the exact size of the cemetery at hand, but added his belief that there were no buildings or other structures located on those properties.

Chairman Smith returned to Mr. Frisina's statement that there was another piece of unincorporated Fayette County property in the area and asked if that land was an island as well. Mr. Frisina replied that the unincorporated Fayette County property is located north of the approximately 700 acres that Peachtree City previously annexed and that land is close in proximity to the industrial development occurring in south Tyrone. Mr. Frisina concluded that the unincorporated Fayette County property had decreased from approximately 900 acres and that the County was "getting rid of the land since it is an island".

Commissioner Maxwell agreed with the principle that there should be no islands and said it appeared to him that Peachtree City and the Town of Tyrone would eventually join with no Fayette County property between them, but he was concerned with the statement that Peachtree City had no immediate plans for change in the area. He noticed that a developer was making the application for annexation for a piece of church-owned property, did not believe the

developers were going into the church business, and suggested there was more to the story than “there are no immediate plans for development”. He wanted to know more about the future plans so he could say he has no objections and restated that he did not believe that there were no future plans for the property. Commissioner Maxwell said he was also concerned since there was a headline in a local paper that read *Peachtree City Rezoned for 350 homes on an 88-Acre Site*, and that was not consistent with Fayette County’s policy regarding density. He clarified that he had concerns about density with the proposed annexation, especially since Peachtree City was stating there are no immediate plans to do anything with the property. He said he did not know that he could object since he did not have enough information to object, and therefore, he would object because he wanted to know more about the plans for that property and since no arbitration or mediation had taken place. He informed the Board that if it voted to “not object” he would not be able to support that vote.

Commissioner Frady suggested the Board could return the proposal to Peachtree City, ask them to clarify the proposal, and see if Peachtree City would provide information on what they expect to do with the land. He also shared Commissioner Maxwell’s density concerns, and informed the Board that it had previously responded in a similar manner by returning the annexation request to Peachtree City with a request for more information. He suggested that once more information was acquired the issue could be addressed at the next Board of Commissioners meeting.

Commissioner Maxwell replied that he was under the impression that the Board either had to object to the proposal or the proposal would be approved if no objection was filed within 30 days, so he thought tabling the issue would not be adequate and asked County Attorney Scott Bennett how to proceed on this matter. Mr. Bennett asked Mr. Frisina when the proposal was received and Mr. Frisina replied that the proposal was dated Friday, September 16, 2008 but was not received by Fayette County until the end of the following week. Mr. Bennett stated since the objection was not based on what Peachtree City is doing but rather is based on lack of information, the Board could impose an objection in order to allow Peachtree City to respond. Commissioner Maxwell agreed, reiterated that he did not have enough information to make a good and informed decision to either object or not object, and suggested that the only thing that could be done was to object with a request for more information. Commissioner Pfeifer replied that he had no problem making the objection and that he appreciated Commissioner Maxwell’s comments.

Commissioner Maxwell moved “to object” to the proposed annexation from the City of Peachtree City to annex 35.001 acres, Scarbrough & Rolander, L.L.C., Applicants, to add said property to the Wilksmoore Village and to direct the Interim County Administrator to write a letter to the City Manager of Peachtree City informing him that lack of information is the reason for the objection. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as “Attachment 5”, follows these minutes and is made an official part hereof.

## **ADMINISTRATOR’S REPORT**

There was no Administrator’s Report.

## ATTORNEY'S REPORT

**Preparation of a Comprehensive Transportation Plan:** County Attorney Scott Bennett reminded the Board that it previously awarded a bid to Glatting Jackson Kercher Anglin, Inc., for the preparation of the Comprehensive Transportation Plan for Fayette County. He stated that he had the contract needed to effectuate the award, that the total cost of the project is \$311,780, and that the amount was an 80% - 20% match with the Atlanta Regional Commission paying the 80% amount. He asked the Board to authorize the Chairman to sign the contract.

Chairman Smith asked if the Board had previously approved the contract. Mr. Bennett replied that the Board had awarded the bid and that the contract related to the bid award.

Commissioner Horgan moved to authorize the Chairman to sign the contract with Glatting Jackson Kercher Anglin in the amount of \$311,780 in order to prepare the Comprehensive Transportation Plan. Commissioner Pfeifer seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

## STAFF REPORTS

There were no Staff Reports.

## BOARD REPORTS

There were no Board Reports

## EXECUTIVE SESSION

**Litigation, Property Acquisition and Employment:** County Attorney Scott Bennett stated that Litigation, Property Acquisition and Employment issues needed to be discussed in Executive Session. Commissioner Horgan moved to adjourn into Executive Session for the purposes of discussing litigation, property acquisition and employment issues. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

**The Board of Commissioners adjourned into Executive Session at 7:35 p.m. and returned to Official Session at 8:05 p.m.**

**Executive Session Affidavit:** Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating that issues of litigation, property acquisition and employment were discussed during Executive Session. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 7", follows these minutes and is made an official part hereof.

**Attorney for the Solicitor General:** County Attorney Scott Bennett reported that Fayette County has received correspondence from the Solicitor's Office regarding the Solicitor's salary, and since negotiations have failed, the Solicitor is requesting that Fayette County hire an attorney for him to assist him in pursuing his issues regarding his salary. Mr. Bennett asked for the Board to authorize the Interim County Administrator to begin negotiations with the Solicitor in an attempt to hire an attorney, and for those negotiations, including the rate, to be subject to the Board's approval. Commissioner Pfeifer moved to instruct the Interim County Administrator to initiate negotiations to obtain the services of an attorney for the Solicitor. Commissioner Frady seconded the motion and asked if Commissioner Pfeifer would accept an amendment to his motion stating that the pay for the attorney would not exceed current governmental

rates. Commissioner Pfeifer agreed to the request to amend the motion. No discussion followed. The motion to instruct the Interim County Administrator to initiate negotiations to obtain the services of an attorney for the Solicitor, and that the pay for the attorney would not exceed current governmental rates, passed unanimously.

**Acquisition of Snead Road Right-of-Way:** County Attorney Scott Bennett reminded the Board that attempts are being made to improve Snead Road, and in order to accomplish that goal the County must acquire right-of-way. He said most of the affected property owners have donated the right-of-way for this improvement, however, there are four property owners who have not. He said the County is negotiating with the four property owners, but he asked the Board to approve Resolutions regarding five tracts of land on Snead Road which state that the County can acquire the right-of-way through further negotiations or by condemnations if necessary, and he asked the Board to authorize the Chairman to sign any and all documents necessary for such condemnations should the County have to take that route. Commissioner Maxwell moved to authorize the Chairman to sign the Resolutions to continue negotiations for right-of-way on Snead Road, but also, if necessary, to condemn the properties on Snead Road, known as Parcel Numbers 8, 19, 23, 24 and 27. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

#### **ADJOURNMENT**

Commissioner Frady motioned to adjourn the October 9, 2008 Board of Commissioners' meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The October 9, 2008 Board of Commissioners Meeting adjourned at 8:10 p.m.

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**Floyd L. Jones, Deputy Clerk**

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**Jack Smith, Chairman**

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23<sup>th</sup> day of October 2008.

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**Floyd L. Jones, Deputy Clerk**