Minutes

Board of Commissioners
September 25, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, September 25, 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 Jack Smith called the September 25, 2008 Board of Commissioners' Meeting to order at 7:04 p.m. Commissioner Pfeifer gave the invocation. Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

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

PRESENTATION/RECOGNITION

A. Proclamation recognizing October 8, 2008 as Honor Flight Fayette Day in Fayette County.

Chairman Smith announced that this recognition was for the second Honor Flight for Fayette County this year and that the first flight took place earlier in the year. He praised the World War II veterans saying they provided such a service to this country that words would fail to express enough thanks. Before he read the proclamation recognizing October 8, 2008 as Honor Flight Fayette Day, Chairman Smith also recognized and thanked the families who were left behind as their veterans went to war.

After reading the proclamation, Chairman Smith stated that he was unaware until earlier in the day that personnel from Fayette County's Emergency Medical Service had volunteered their time and personal resources to accompany the first veterans to Washington, D.C. to provide medical services and assistance where needed and he noted that there was another group of volunteers attending to the needs of the second group of veterans. After being asked by the Chairman for the names of the Fayette County Emergency Medical Service personnel who went to Washington, D.C. with the first veterans, Interim Public Safety Director Allen McCullough said Captain Steve Folden, Firefighter/Paramedic Norm Gibby and Fire Medic Jason Crenshaw attended to the first group of veterans. Chairman Smith then thanked all of the volunteers for their service to the veterans.

Ms. Gail Sparrow, President of Honor Flight Fayette, thanked the Commissioners for supporting the first Honor Flight with their personal money, and added that monetary support was still needed in order to fund the program. She also spoke about Fayette County's Emergency Medical Service's personnel, said the National Honor Flight Society was amazed with Fayette County's medical support team, and concluded that Fayette County is setting an example throughout the nation with respect to the medical assistance it provides to the veterans. A copy of the request and Proclamation, identified as "Attachment 1", follow these minutes and are made an official part hereof.

PUBLIC HEARING

Community Development Director Pete Frisina read the Public Hearing Procedures before Public Hearings began. A copy of the Public Hearing Procedures, identified as "Attachment 2", follows these minutes and is made an official part hereof.

B. Consideration of proposed amendments to the Fayette County Development Regulations regarding Article V. Buffer and Landscape Requirements as presented by the Engineering Department. This item was last discussed during the August 14, 2008 Board of Commissioners meeting. THE PLANNING COMMISSION RECOMMENDED APPROVAL WITH ONE (1) CHANGE 5-0.

Environmental Technician Nancy Howard stated that the Engineering Department was requesting approval of proposed changes to the suggested planting materials listed in the Fayette County Development Regulations, and she said the reason change was needed was because plants on the current list are either not appropriate for Fayette County's climate zone, susceptible to disease, or are considered invasive. She said the requested changes would omit the undesired species of plants and would include only those plants that are suited to Georgia's climate, are widely available, and are recommended by the University of Georgia and other professionals. She mentioned that the proposed amendments included other changes and that the majority of those changes were clarifications to the document's original language.

Chairman Smith asked if this list was only giving suggestions of what could be planted. Ms. Howard affirmed that this list only gave suggestions or recommendations, and that other recommended plants could be found on Fayette County's website. Chairman Smith asked if he was correct in assuming that the University of Georgia's Horticulture Division gave input to the suggested planting materials list. Ms. Howard replied that the Chairman was correct in making that assumption.

Commissioner Horgan asked if the plants recommended on the suggested planting materials list were drought resistant and if that was the intent of the list. Ms. Howard replied that having drought-resistant plants on the list was one reason the list was provided and that a section of the Fayette County Development Regulations listed drought-resistant plants.

Commissioner Horgan asked if plants that were not recommended on the list were permitted plants. Ms. Howard said those plants not suggested on the list were still permitted and gave a brief explanation about why certain plants are recommended and others are not.

No one spoke in favor of or in opposition to this request.

Commissioner Frady moved to adopt Ordinance 2008-08 amending the Fayette County Development Regulation regarding Article V. Buffer and Landscape requirements as presented by the Engineering Department. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Ordinance 2008-08, identified as "Attachment 3", follow these minutes and are made an official part hereof.

C. Consideration of the annual update of the Capital Improvement Element (CIE) and the Short Term Work Program (STWP) in the Fayette County Comprehensive Plan for the imposition of Impact Fees for Fire Services, and authorization of transmittal to the Atlanta Regional Commission (ARC) as presented by the Planning and Zoning Department.

Community Development Director Pete Frisina informed the Board that the annual update of the Capital Improvement Element and the Short Term Work Program constitutes a report that is made to the Atlanta Regional Commission and the Department of Community Affairs about impact fees obtained for fire services. He said Fayette County has been collecting impact fees for seven years and two months, and that the report would give an update on the amount of money the County has collected and spent as a result of enacting impact fees, as well as the County's Capital Improvement Element and Short Term Work Program.

Mr. Frisina reported that Fayette County collected approximately $128,000 of impact fees during the past year, and said those fees were based on the amount of new structures being constructed in the county. He said the amount was lower than amounts collected in previous years due to the "slump of building" in Fayette County.

Before concluding his presentation, Mr. Frisina repeated his request for the Board's approval to transmit the report to the Atlanta Regional Commission and the Department of Community Affairs for their review. He said after those organizations reviewed the report they would send it back for Fayette County's adoption before February 2009.

Chairman Smith asked if he understood clearly that the request was for permission to transmit the report for review and if the information in the report was documented and approved by the Finance Department. Mr. Frisina replied that a number of departments were involved in preparing the report and that the Finance Department made a big contribution since it maintains and updates the Capital Improvement Plan.

No one spoke in favor of or in opposition to this request.

Commissioner Horgan moved to approve Resolution 2008-14 regarding the annual update of the Capital Improvement Element and the Short Term Work Program for the imposition of Impact Fees for Fire Services and to authorize its transmittal to the Atlanta Regional Commission and the Department of Community Affairs. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Resolution 2008-14, identified as "Attachment 4", follow these minutes and are made an official part hereof.

D. Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 23. Home Occupation as presented by the Planning and Zoning Department. STAFF HAS REQUESTED THIS ITEM BE CONTINUED UNTIL OCTOBER 23, 2008 FOR PUBLIC HEARING

Community Development Director Pete Frisina requested that this discussion be continued until the October 23, 2008 Board of Commissioners' meeting. He explained that his request was due to staff's discovery that certain portions of the ordinance under discussion were not properly advertised. He said the ordinance would have to be advertised again before public hearings could proceed.

Commissioner Frady moved to continue the discussion of the proposed amendments to the Fayette County Zoning Ordinance until the October 23, 2008 Public Hearings. Commissioner Horgan 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.

PUBLIC COMMENT

Ms. Alice Jones: Ms. Alice Jones, a resident of Fayette County, told the Board that she was really pleased with the presentation given by Fire Marshal David Scarbrough about changing zip codes in north Fayette County during the September 11, 2008 Board of Commissioners' meeting. She said she was hopeful that the zip codes would be changed and was pleased with the Postmaster's efforts to implement the changes. Ms. Jones stated that the current zip codes in north Fayette County needed to be changed since they worked to keep tax money away from the county.

Ms. Jones also expressed concern since efforts to have a Little League team play at Kenwood Park were turned down. She said she was able to attend a Recreation Committee meeting after a request was denied and while there she learned some Soccer League teams who wished to play at McCurry Park and Kiwanis Park were also being turned down while other teams were "monopolizing" those parks. Ms. Jones reiterated that Kenwood Park is being underutilized during the days and weekends since there is no activity occurring at the park. She wanted the Commissioners to be aware of her concern and said that Parks and Recreation Director Anita Godbee would probably be contacting the Commissioners in the coming days.

Chairman Smith stated that he did not know how many north Fayette homeowners wrote to the Postmaster, but that attempts to get the Postmaster's attention in order to change the zip codes in north Fayette County had been ongoing for about 25 years. He said he did not know what buttons were pushed, but thanked Ms. Jones and others who had a hand in getting the Postmaster's attention.

CONSENT AGENDA

Commissioner Horgan moved to approve Consent Agenda Items 1-6. Commissioner Pfeifer seconded the motion. No discussion followed. The motion passed unanimously.

1. Approval of request by the Sheriff's Department Field Operations to replace a 2006 Ford Crown Victoria which was completely destroyed in an automobile accident on July 3, 2008, using $8,699.30 insurance reimbursement and $18,651.70 from the Vehicle Replacement Fund to purchase the replacement vehicle. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

2. Approval of staff's request for permission to apply for an Emergency Management Performance Grant (EMPG) for Severe Weather Warning Projects. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

3. Approval of request from 911 Communications to be allowed to dispose of old department uniforms that are no longer serviceable. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

4. Approval of staff's request to accept a reimbursement in the amount of $976.49 from Perfect Cut Services, Inc. which would increase Parks and Recreation Ground Supplies Revenue Budget Account by $976.49. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

5. Approval of staff's recommendation to award Bid #676 for Pressure Reducing Valves to the sole bidder, PMC Enterprises, in the amount of $41,010. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

6. Approval of the September 3, 2008 Board of Commissioners' Workshop Minutes and the September 11, 2009 Board of Commissioners' Regular Session Minutes.

OLD BUSINESS

E. Consideration of staff's recommendation that Sumner Road be designated as an authorized street for motorized cart usage.

Community Development Director Pete Frisina began his presentation by stating this request was initiated by Mr. Mike Flynn of the Landings Subdivision. He reminded the Board that there had been a number of discussions on this topic, including a workshop, and those discussions resulted in an amendment to the Fayette County Code. Mr. Frisina explained that, historically, the Board of Commissioners only approved internal roads within subdivisions for golfcart usage, and that the last time an internal road was considered for approval was in the 1990s. He said that Sumner Road is the first road that Fayette County has considered for motorized cart usage that is outside of a subdivision and that is a county road.

Mr. Frisina said he and a number of individuals including Public Works Director Phil Mallon, Sheriff-elect Wayne Hannah, and Captain Bryan Woodie of Fayette County's Sheriff's Traffic Division had worked on this topic since the beginning of 2008, had created a list of criteria to be considered for making these decisions, and that the criteria had been approved by the Board of Commissioners in August 2008.

Mr. Frisina stated that studies have been conducted on Sumner Road including a speed study that was conducted by the Sheriff's Department. He added that part of the criteria used for authorization was that only local roads with a speed limit of 35 miles per hour or less could be authorized, that Sumner Road met that qualification, and the speed study indicated that 85% of vehicles were driving 35 miles per hour or less. He noted that the 35 miles per hour standard was based on information provided by the National Safety Council and the standard involved other criteria such as stopping distances, reaction times and visibility distances. Mr. Frisina added that Sumner Road did not have a grade that exceeded 7% meaning the Sheriff's Department could use radar and laser speed detections on the road. In conclusion,

Mr. Frisina said if Sumner Road were approved for motorized cart usage, signs would be placed along the road informing motorists that golfcarts would be on the road and would set boundaries informing residents where carts are not permitted.

Chairman Smith asked if Sumner Road met the established criteria in order for authorization to be granted. Mr. Frisina responded that it did. Chairman Smith recalled that several months ago there was a problem with a property that abutted Sumner Road, that golfcarts were traversing through a homeowner's property without permission, and he asked if he correctly remembered that the problem was at Sumner Road. Mr. Frisina said the problem was on the portion of Sumner Road that belongs to Peachtree City. Chairman Smith asked if that problem had any effect on this discussion or authorization for Sumner Road. Mr. Frisina replied that the problem had no effect on this issue.

Commissioner Frady moved to approve staff's recommendation that Sumner Road be designated as an authorized street for motorized cart usage. Commissioner Pfeifer seconded the motion.

Commissioner Maxwell said he read Mr. Flynn's letter and asked if the residents of the Landings Subdivision intended to continue using some of the homeowners' property for access and if there was a need for an easement. Mr. Frisina replied that the residents of the Landings Subdivision had previously been driving on Sumner Road without realizing that Sumner Road was not authorized for golfcart use, and that while the residents subsequently obtained permission from two homeowners and from Fayette EMC to drive golfcarts on their properties, he did not see the need for a permanent easement. Commissioner Maxwell said he would vote for the motion since the residents of the Landings Subdivision wanted Sumner Road to be approved for golfcarts, but he also wanted the residents to be aware that by giving the authorization there would be no way to prevent people from other subdivisions to come into the Landings. He said the only reason he mentioned that was because of conflicts that occurred in central or south Fayette County when people from one subdivision went into other peoples' subdivisions. Commissioner Maxwell also wanted the residents to be aware that Peachtree City charges higher fees to people who do not live within their boundaries and that those fees are administered by Peachtree City.

Commissioner Pfeifer commented that Mr. Frisina and Mr. Flynn had worked for a long time on this topic and he thanked both of them.

The motion to approve staff's recommendation that Sumner Road be designated as an authorized street for motorized cart usage passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

NEW BUSINESS

F. Approval of staff's recommendation for supplemental budget adjustments for the fiscal year ending June 30, 2008.

Assistant Finance Director Toni Jo Howard said she was asking for the Board's consideration to approve the final budget adjustments for the fiscal year ending June 30, 2008. She said that approval was required for the County to continue forward with the closing of the Fiscal Year 2008 budget and in order to proceed with audit and financial statement preparations.

Chairman Smith asked if he correctly understood that the budget adjustments were required under Georgia State law. Ms. Howard replied that the Chairman's understanding was correct.

Commissioner Horgan moved to approve the recommendation from the Finance Department for supplemental budget adjustments to the fiscal year ending June 30, 2008. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

G. Consideration of the proposed annexation from the City of Fayetteville to annex 17.85 acres, Piedmont Fayette Hospital, Applicant, to develop additional parking and a Day Care Facility. This property is located in Land Lot 129 of the 5th District and Land Lot 9 of the 7th District, and fronts on Sandy Creek Road.

Community Development Director Pete Frisina reported that the 17.85 acres under consideration are located in unincorporated Fayette County and that the majority of the land is zoned O-I with a small portion zoned R-70. He explained that the land currently contains overflow parking for Piedmont Fayette Hospital, stormwater ponds and a single-family residence that the hospital intends to convert into a day care facility for hospital staff. He informed the Board that this land is in an area which was discussed and addressed in the County's State Route 54 Hospital Area Task Force Report which was prepared in 2006, and he said this proposed annexation was anticipated in and conforms to the report. Mr. Frisina said when this property was initially developed the hospital had a very short time frame to construct parking spaces since they were in the middle of a construction project that was eliminating some of the initial parking spaces. He noted, with those dynamics involved, the hospital decided they could accomplish their construction work quicker by developing on County property rather than going through the annexation process first. He said the hospital's construction and development occurred about five years ago, that Fayette County accommodated the zoning of the property so that the parking lot could be built, and now the hospital is asking for that land to be annexed into the city. Mr. Frisina concluded saying staff has no objection to the annexation request.

Commissioner Horgan asked if the single-family residence has a septic tank. Mr. Frisina replied that the house did have a septic tank, but he added that the house "had not been used for anything" and that it would likely be connected to the city sewer if the land was annexed. He said Mr. Rick Fehr of Environmental Health had commented that if the septic tank is abandoned it would need to be sealed off and shut down, that the City of Fayetteville would take care of the septic tank, and that Mr. Fehr would retain jurisdiction over that process.

Commissioner Frady moved to "not object" to the proposed annexation from the City of Fayetteville to annex 17.85 acres, Piedmont Fayette Hospital, Applicant, in order to develop additional parking and a Day Care Facility. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

Recurring Problem with the Library's Computers: Interim County Administrator Jack Krakeel reported that over the course of the last several months Fayette County has had a recurring problem with the Library's computer system that causes the system to completely shut down. He said this problem has become more prevalent in the last two weeks, and staff has determined the problem with the system is that the hard drive is completely full and unable to store any additional data. He informed the Board that staff is developing an interim solution to the problem which would involve completely shutting down the system for one day in the next several weeks. He stated that the ultimate step, which should take place within the next 30 days, would require a decision on a permanent solution. He said staff has prepared some preliminary estimates and believes the cost of correcting the problems and upgrading the system will be approximately $45,000. He said staff will be preparing a formal request for the Board within the next three to four weeks for its consideration and for the funding that is available.

ATTORNEY'S REPORT

Amendment to Tyler Technologies' Treasury Management Software Contract: County Attorney Scott Bennett presented an amendment to an existing contract Fayette County has with Tyler Technologies regarding Treasury Management software for the Finance Department for $5,000. He said the money was approved in the budget and that by accepting the amendment the County would be accepting the terms of the software license. He said he was asking for approval for the Chairman to sign the amendment, for $5,000 to be paid for the software, and to accept the software license from Tyler Technologies. Commissioner Frady moved to authorize the Chairman to sign the amendment to Fayette County's contract with Tyler Technologies, to pay $5,000 for Treasury Management software for the Finance Department, and to accept the software license from Tyler Technologies. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Tyler Technologies Amendment, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Amendment to Tyler Technologies Contract Management Software Contract: County Attorney Scott Bennett presented an amendment to an existing contract Fayette County has with Tyler Technologies regarding Contract Management software for $7,139 for the Information Systems Department. He explained that part of the $7,139 fee would apply to the years 2009 and 2010 meaning it would not have to be spent immediately but would have to be budgeted for over the course of the next two years. He also mentioned that $3,953 of the fee would pay for software and that the Board had given its approval for its purchase during the November 7, 2007 Board of Commissioners meeting. Commissioner Horgan moved to authorize the Chairman to sign the amendment to Fayette County's contract with Tyler Technologies for Contract Management software at a cost of $7,139 for use by the Information Systems Department. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Tyler Technologies Amendment, identified as "Attachment 15", follows these minutes and is made an official part hereof.

STAFF REPORTS

None.

BOARD REPORTS

Indigent Defense Committee: Commissioner Maxwell reminded the Board that during last year's budget hearings he had informed the Commissioners that the Georgia State Legislature changed the composition of the local Indigent Defense Committee by adding County Commissioners to it. He also reminded the Board that he had previously served on the Indigent Defense Committee several years ago when it chose the current Public Defender. Commissioner Maxwell then informed the Board that he was approached by the current chairperson of the Indigent Defense Committee who asked him to return to the Indigent Defense Committee as the Governor's appointee, that he submitted his name for nomination, and said he would be happy to serve on that committee. Commissioner Maxwell noted that only one Commissioner from each county that was represented could serve on the Indigent Defense Committee at a time so there would be other Commissioners from other counties serving with him. In conclusion, he reiterated that he wanted the Board to know that he was approached and that he had agreed to return to the Indigent Defense Committee.

EXECUTIVE SESSION

Litigation, Employment and Property Acquisition: County Attorney Scott Bennett reported that Litigation, Employment and Property Acquisition items needed to be discussed in Executive Session. Commissioner Frady moved to adjourn into Executive Session for the purpose of discussing Litigation, Employment and Property Acquisition. Commissioner Horgan seconded the motion . No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned into Executive Session at 7:56 p.m. in order to discuss Litigation, Employment and Property Acquisition items, and returned into Official Session at 8:48 p.m.

Executive Session Affidavit: Commissioner Frady moved to authorize the Chairman to sign an Executive Session Affidavit stating items of Litigation, Employment and Property Acquisition were discussed in Executive Session. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 16", follows these minutes and is made an official part hereof.

ADJOURNMENT

Commissioner Frady motioned to adjourn the September 25, 2008 Board of Commissioners' meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The September 25, 2008 Board of Commissioners Meeting adjourned at 8:49 p.m.

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Floyd L. Jones, Deputy Clerk **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 23th day of October 2008.

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Floyd L. Jones, Deputy Clerk