Minutes

Board of Commissioners
October 23 , 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, October 23, 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 Robert Horgan Eric Maxwell Peter Pfeifer
Commissioner Absent:	Herb Frady, Vice-Chairman
Staff Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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Chairman Smith called the meeting to order.
Commissioner Pfeifer offered the Invocation.
Pledge of Allegiance.

ACCEPTANCE OF AGENDA: Commissioner Horgan made a motion to accept the agenda as presented. Commissioner Pfeifer seconded the motion. The motion carried 4-0. Commissioner Frady was absent.

INTRODUCTION FOR REZONING HEARINGS:
Chairman Smith read the Introduction for Rezoning Hearings. A copy of the Introduction, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

A. ORDINANCE NO. 2008-09 - CONSIDERATION 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 AND ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-17. O-I, OFFICE-INSTITUTIONAL DISTRICT, D. CONDITIONAL USES; SECTION 6-18. C-C, COMMUNITY COMMERCIAL DISTRICT, B. PERMITTED USES AND C. CONDITIONAL USES; SECTION 6-19. C-H, HIGHWAY COMMERCIAL DISTRICT, B. PERMITTED USES AND C. CONDITIONAL USES; SECTION 6-21. M-1, LIGHT INDUSTRIAL DISTRICT, C. CONDITIONAL USES; AND SECTION 6-22. M-2, MANUFACTURING AND HEAVY INDUSTRIAL DISTRICT, C. CONDITIONAL USES AS PRESENTED BY THE PLANNING AND

ZONING DEPARTMENT. THE PLANNING COMMISSION RECOMMENDED APPROVAL (5-0). THIS ITEM WAS TABLED FROM THE SEPTEMBER 25, 2008 COMMISSIONERS' MEETING:

Zoning Administrator Dennis Dutton remarked that staff had previously discussed this issue with the Board and the Planning Commission had reviewed this and come back with a recommendation to approve with a 5-0 vote. Mr. Dutton said he was asking that the ordinance be amended to permit the conditional use of home occupation within these homes to be similar to that of a home in a residential area. He said staff was asking for the Board's consideration to approve this Amendment.

Chairman Smith remarked that this was a public hearing and he asked if anyone wished to speak in favor of this amendment. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve the 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 and Article VI. District Use Requirements, Section 6-17. O-I, Office-Institutional District, D. Conditional Uses; Section 6-18. C-C, Community Commercial District, B. Permitted Uses and C. Conditional Uses; Section 6-19. C-H, Highway Commercial District, B. Permitted Uses and C. Conditional Uses; Section 6-21. M-1, Light Industrial District, C. Conditional Uses; and Section 6-22. M-2, Manufacturing and Heavy Industrial District, C. Conditional Uses as presented by the Planning and Zoning Department that will be known as Ordinance No. 2008-09. Commissioner Pfeifer seconded the motion. The motion carried 4-0. Commissioner Frady was absent. A copy of the request and Ordinance No. 2008-09, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

B. CONSIDERATION OF PETITION NO. 1211-08, J. NEIL AND T. KAY DAVIS, OWNERS/AGENTS, REQUEST TO REZONE 2.469 ACRES FROM R-70 TO O-I TO DEVELOP USES ALLOWED UNDER THE O-I ZONING DISTRICT. THIS PROPERTY IS LOCATED IN LAND LOT 127 OF THE 5TH DISTRICT AND FRONTS ON S.R. 54 WEST. STAFF RECOMMENDED DENIAL. THE PLANNING COMMISSION RECOMMENDED DENIAL (5-0):

Chairman Smith announced that the Board had received a written request from the petitioner to postpone this item to the November 13, 2008 Board meeting because there was not a full five member Board present. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

C. CONSIDERATION OF PETITION NO. 1212-08, J. NEIL AND T. KAY DAVIS, OWNERS/AGENTS, REQUEST TO REZONE 4.437 ACRES FROM C-C CONDITIONAL TO C-C TO LIFT THE CURRENT CONDITIONS; ALSO TO USE THE OLD MILL STRUCTURE FOR A CORN GRIST MILL IN ITS HISTORICAL CONTEXT; AND TO ALLOW THE USES IN THE C-C ZONING DISTRICT; AND CONSIDERATION OF PETITION NO. RP-043-08 TO CHANGE THE USE OF LOT 1 OF CRYSTAL LAKE ESTATES CONSISTING OF 2.334 ACRES (PART OF THE 4.437 ACRES) FROM A SINGLE-FAMILY DWELLING TO THE USES ALLOWED IN THE C-C ZONING DISTRICT. THIS PROPERTY IS LOCATED IN LAND LOT 127 OF THE 5TH DISTRICT AND FRONTS ON S.R. 54 WEST AND OLD MILL COURT. STAFF RECOMMENDED APPROVAL WITH THREE (3) CONDITIONS. THE PLANNING COMMISSION VOTED TO APPROVE SUBJECT TO RECOMMENDED CONDITION #1 BEING AMENDED TO EXCLUDE MORE USES AND RECOMMENDED CONDITIONS #2 AND #3 AS SUBMITTED BY STAFF (3-2). NO ACTION WAS TAKEN ON RP-043-08 BASED ON THE VOTE FOR DENIAL OF PETITION NO. 1212-08:

Chairman Smith announced that the Board had received a written request from the petitioner to postpone this item to the November 13, 2008 Board meeting because there was not a full five member Board present.

PUBLIC COMMENT:

Jerry Williford: Jerry Williford, Old Mill Court, Fayetteville thanked the planning and zoning staff for all of their professionalism in providing information and answering questions relating to the Davis' rezoning applications. He remarked that he was speaking in opposition to this request and felt the request for an unconditional commercial zoning would be in total disharmony because of the historical significance and residential character of this neighborhood.

Mrs. Stewart Barnes: Mrs. Stewart Barnes, Lakeview Court, Fayetteville remarked that she was opposed to the three petitions filed by the Davis family. She remarked that this would be a wonderful residence for someone and felt the zoning should be R-70.

Angela Hinton Fonda: Angela Hinton Fonda , Westbridge Subdivision, commented on an item under Old Business on tonight's agenda regarding the County's Purchasing Card Policy. She asked the Board to consider further changes regarding travel expenses and periodic recurring expenses.

Teresa Joiner: Teresa Joiner, Old Mill Court, Fayetteville thanked the Board and Staff for informing the residents of Crystal Lake Subdivision that the rezoning petitions listed tonight were going to be postponed to November 13th. She remarked that she was opposed to the rezoning requests and there were others in the audience tonight who were also opposed.

J.D. Holmes: J.D. Holmes, Old Mill Court, Fayetteville remarked that he and other residents of Crystal Lake Subdivision had spoken to Mr. and Mrs. Davis about their rezoning request. He felt it was not this Board's responsibility to increase their property values by rezoning their property. He said he did not feel this was a compelling enough reason to change the zoning.

CONSENT AGENDA: Commissioner Horgan made a motion to approve consent agenda item nos. 1, 2, 3, 4 and 5 as presented. Commissioner Pfeifer seconded the motion. The motion carried 4-0. Commissioner Frady was absent.

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAYETTEVILLE FOR STREET RESURFACING:

1. Approval of staff's recommendation to enter into an intergovernmental agreement with the City of Fayetteville for street resurfacing. A copy of the request and the Agreement, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

RESOLUTION NO. 2008-15 - GRANT APPLICATION FOR KENWOOD PARK WALKING TRAIL PROJECT ADOPTED:

2. Approval of staff's recommendation to adopt Resolution No. 2008-15 authorizing the submission of a grant application for Kenwood Park Walking Trail Project to the Department of Natural Resources for the Recreational Trails Program. A copy of the request and Resolution No. 2008-15, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

MCCURRY PARK RESURFACING AND STRIPING PROJECT - PROPOSAL #P682 AWARDED TO SPORTS TURF COMPANY, INC.:

3. Approval of staff's recommendation to award Proposal #P682 to low bidder Sports Turf Company, Inc. for the McCurry Park Track Resurfacing and Striping Project in the amount of $65,051. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

SNEAD ROAD CLEARING AND GRUBBING - BID #683 AWARDED TO JOHNSON SEWER, PIPELINE & DEMOLITION:

4. Approval of staff's recommendation to award Bid #683 to low bidder Johnson Sewer, Pipeline & Demolition, Inc. for clearing and grubbing along Snead Road in the amount of $23,900. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

MINUTES APPROVED:

5. Approval of minutes for the Board of Commissioners' meetings held on September 25, 2008, October 1, 2008 and October 9, 2008.

OLD BUSINESS:

D. DISCUSSION OF STAFF'S RECOMMENDATION TO EXPAND THE REVISED PURCHASING CARD PROGRAM TO ALL COUNTY DEPARTMENTS AND ADOPT THE FINAL DRAFT OF THE PURCHASING CARD POLICY:

Chief Financial Officer Mary Holland asked for the Board's consideration for approval to expand the existing Purchasing Card Program to all County departments and adopt the final draft of the Purchasing Card Policy as official policy. She noted that the County had been in a test program over the last year involving a select number of departments who were issued purchasing cards. She said staff had been reviewing and auditing the transactions that had taken place and from that activity staff had actually updated the Purchasing Card Policy. She remarked as staff had been going through this testing phase, there were two major tasks that had to be completed before staff felt comfortable expanding this program to all County Departments. She noted that one of those tasks was automation with the bank and this was now operational. She remarked that the second task was actually the reorganization with the Finance Department where there was an Accounting Analyst assigned to specific departments and those Accounting Analysts would be responsible for working with the departments on their P-card purchases and they would be reviewing those and presenting a report to the Board on transactions. She presented the Board with some charts that indicated the activity level of transactions. A copy of the charts, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

Chairman Smith questioned the potential to expand the travel policy.

Ms. Holland replied that the County has an existing travel policy adopted by this Board that states the type of travel that would be allowed. She commented that during the budget review process, staff reviews all of the travel requests and these were presented at budget time together with the information that the travel related to, the cost, which employees would be attending and so forth. She noted that all of this information was reviewed and approved during the budget process.

Ms. Holland remarked that there had only been minor infractions. She pointed out that the first violation would involve a verbal reminder, the second violation would involve a written warning and the card would be suspended, and the third violation would involve removal of the individual from the P-card program.

Chairman Smith asked Ms. Holland to address the issue of periodic recurring expenses.

Ms. Holland responded that particular type of transaction would not be allowed with a p-card. She said these were supposed to be miscellaneous type items that were purchased under the P-Card Program.

Chairman Smith asked Ms. Holland what the average charge was on a p-card outside of travel expense and Ms. Holland replied that was less than $200.

Commissioner Maxwell made a motion to fully implement the revised Purchasing Card Program for all County departments and to adopt the final draft of the Purchasing Card policy as presented. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Frady was absent. A copy of the Purchasing Card Policy, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT:

UPDATE OF THE DIRECT DEPOSIT PROGRAM FOR COUNTY EMPLOYEES: Interim County Administrator Jack Krakeel updated the Board on the Direct Deposit Program for County Employees' paychecks. He said the County was now at 100% full participation in this program and he commended the Human Resources Staff for being diligent in following up with employees to accomplish this goal. He also noted that every County employee could now access their personal payroll information through a secure and accessible location on the County website, and at some time in the near future he would recommend discontinuation of issuance of actual pay stubs which would result in a significant savings for the County in terms of time and materials. He remarked that there had been a very favorable response from County employees on the accessing their information.

ATTORNEY'S REPORT:

CONTRACT CHANGE ORDER AND THREE REIMBURSEMENT AGREEMENTS RELATING TO THE WIDENING OF JIMMY MAYFIELD BOULEVARD: County Attorney Scott Bennett asked for Board's consideration to authorize the Chairman to execute a Contract Change Order for Southeastern Site Development in the total amount of $157,926.50 and three Reimbursement Agreements for Coweta-Fayette EMC, Georgia Power Company and AT&T each in the amount of $14,743.33 for the purpose of modifying the location of Jimmy Mayfield Boulevard to avoid the relocation of these utilities.

Commissioner Horgan made a motion to authorize the Chairman to execute a Contract Change Order in the total amount of $157,926.50 and three Reimbursement Agreements for Coweta-Fayette EMC, Georgia Power Company and AT&T each in the amount of $14,743.33 in regard to the widening of Jimmy Mayfield Boulevard. Commissioner Maxwell seconded the motion. The motion carried 4-0. Commissioner Frady was absent. A copy of the Contract Change Order and the three Reimbursement Agreements for Coweta-Fayette EMC, Georgia Power Company and AT&T, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

STAFF REPORTS:

UPDATE ON THE 911 PRACTITIONER PROGRAM: Interim Public Safety Director Allen McCullough updated the Board on the 911 Practitioner Program and remarked that this Program was recognized in the official National Publication of the Amateur Radio Association and he presented this article to the Board.

BOARD REPORTS:

COMMISSIONER MAXWELL: Commissioner Maxwell commented on the motion he made at the October 9th Commission meeting that had passed unanimously to file an objection to the annexation of property by the Peachtree City Council concerning property off Wilkes Grove Church Road. He said his objection at that time was based on not having enough information. He noted that since that time, he had made contact with the applicant and had spoken to the City Manager of Peachtree City and his concerns had been addressed. He said he would like to make a motion for the Board to reconsider the formal objection by the Board of Commissioners to the annexation application of Scarborough and Rolader for property off Wilkes Grove Church Road.

Commissioner Maxwell made a motion for the Board to reconsider the formal objection by the Board of Commissioners at the October 9th Commission meeting to the annexation application of Scarborough and Rolader for the property off

Wilkes Grove Church Road. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Frady was absent.

Commissioner Maxwell remarked that his concerns had been met regarding this request and he would also like to make a motion to withdraw the objection made by this Board at the October 9th meeting.

Commissioner Maxwell made a motion to withdraw the formal objection of the Board of Commissioners that was made at the October 9th meeting opposing the annexation of property by the Peachtree City Council concerning property off Wilkes Grove Church Road. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Frady was absent.

COMMISSIONER MAXWELL: Commissioner Maxwell remarked that Sheriff Randall Johnson would be retiring after 32 years of excellent service to the County and he would like to formally recognize the Sheriff.

Commissioner Maxwell made a motion to rename the administrative offices as well as the jail to be known as "The Randall Johnson Law Enforcement Center" and also to refer to this as "The Randall Johnson Law Enforcement Center" on letterhead stationery. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Frady was absent.

EXECUTIVE SESSION: Interim County Administrator Jack Krakeel requested an Executive Session to discuss an item of real estate acquisition.

Chairman Smith requested an Executive Session to discuss a personnel matter.

Commissioner Horgan made a motion to adjourn to Executive Session to discuss real estate acquisition and personnel matters. Commissioner Pfeifer seconded the motion. The motion carried 4-0. Commissioner Frady was absent.

Commissioner Horgan made a motion to adjourn the Executive Session and return to open session. Commissioner Pfeifer seconded the motion. The motion carried 4-0. Commissioner Frady was absent.

Commissioner Horgan made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that real estate acquisition and personnel matters were discussed in Executive Session. Commissioner Pfeifer seconded the motion. The motion carried 4-0. Commissioner Frady was absent. A copy of the Executive Session Affidavit, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

ADJOURNMENT: Commissioner Horgan made a motion to adjourn the meeting at 8:45 p.m. Commissioner Pfeifer seconded the motion. The motion carried 4-0. Commissioner Frady was absent.

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Karen Morley, Chief Deputy Clerk Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11th day of December, 2008.

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Karen Morley, Chief Deputy Clerk