Minutes

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

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, April 24, 2008, at 7:00 p.m. in the Commissioners' Chambers 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 Jones, Deputy Clerk

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Smith called the meeting to order at 7:33 p.m.
Commissioner Pfeifer offered the invocation.
Chairman Smith led the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Horgan motioned to accept the agenda as published, and was seconded by Commissioner Pfeifer. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION

A. Proclamation for "Honor Flight Fayette Day" on May 14, 2008.

Chairman Smith read the proclamation declaring May 14, 2008 as "Honor Flight Fayette Day". Chairman Smith then thanked the veterans who were present for their service to both the Country and to Fayette County. A copy of the proclamation, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

RULES FOR PUBLIC HEARINGS:

Zoning Administrator Dennis Dutton read the Public Hearing rules. A copy of the statement, identified as "Attachment 2", follows these minutes and is made an official part hereof.

B. Consideration of Petition 1208-08 D. Brent, L.L.C., Owner and Billy Brundage of Brundage Engineering, Inc., Agent, to request to rezone 43.26 acres from R-78 to C-S to develop a single-family residential subdivision consisting of 18 single-family dwelling lots. This property is located in Land Lots 8 and 16 of the 6th District and fronts on SR 85 South. STAFF RECOMMENDED APPROVAL. THE PLANNING COMMISSION RECOMMENDED APPROVAL 5-0.

Ms. Donna Black with D. Brent L.L.C. spoke in support of the petition, informed the Board that the Conservation Zoning change does not affect the number of lots that would be allowed on the property, and said that a previous yield plan demonstrated the property would support 18 lots. She said the purpose of asking for rezoning is to allow for smaller lots on the same amount of property. She said the property would be served by County water, the lots would have individual septic systems, and on-site stormwater detention would be provided and maintained by the homeowners association.

No one else spoke in support of the petition, and no one spoke in opposition to it.

Commissioner Frady motioned to approve Petition 1208-08 to rezone 43.26 acres from R-78 to C-S to develop a single-family residential subdivision consisting of 18 single-family dwelling lots with no conditions. Commissioner Horgan seconded the motion. Some discussion followed. The motion passed unanimously. A copy of the Staff's Analysis and Investigation, identified as "Attachment 3", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition 1208-08, identified as "Attachment 4", follow these minutes and are made an official part hereof.

C. Consideration of a Packaged Beer and Wine License for One Stop Amoco, 2950 SR 138, Riverdale, Georgia. M. Suleman Gillani, Owner/Applicant. This property is located in Land Lot 199 of the 13th District, fronts on SR 138, and is zoned C-H. This is for a Change of Ownership.

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

Commissioner Frady motioned to transfer the Packaged Beer and Wine License to M. Suleman Gillani, Owner/Applicant, of One Stop Amoco as requested and was seconded by Commissioner Horgan. 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:

Gordon Furr: Mr. Furr apologized to those who thought he was doing wrong in Tyrone, said he was only trying to save the taxpayers $750 weekly, and gave an explanation of what he attempted to do at Fire Station Three during a recent visit there. He said he was hurt when he was asked by someone in the County not to return to the site. He apologized once again, and said that he is a person with over 30 years of experience in installing and repairing septic tanks, and further stated that as a taxpayer he had volunteered his help at no cost to the County.

Edward L. Cagle: Mr. Cagle spoke about Fire Station Three in Tyrone, and said he was under the impression that the fire station was going to be torn down and another station would be built to replace it. He said his opinion was that the fire station was serviceable if a solution could be found to the problem with the septic tank. He told the Board he was instrumental in having the station built approximately 35 years ago, and that he had spent 10 years of his life in it. He said the people who worked in that station honored him by naming the station after him, and he was very proud of that station. He asked the Board to do everything possible to save Fire Station Three, if for no other reason, for historical purposes since it was the first fire station in Fayette County. He added that the station was staffed by volunteer firefighters who found direction while serving there. He reiterated his request to the Board that they take all of the appropriate measures to save the fire station. Chairman Smith publically thanked Mr. Cagle for his service to Fayette County on behalf of both the current Board and prior Boards, and said people like him made Fayette County the great place that it is.

CONSENT AGENDA:

1. **Approval of staff's recommendation to transfer $34,074.13 from Contingency Funds to Elections to cover cost of a special election held to fill the unexpired term of Representative Dan Lakly. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

2. **Approval of the Finance Department's request to accept the engagement letter with the County's auditing firm, Cherry, Bekaert & Holland, L.L.P. to conduct the annual FY2008 audit of the County's financial statements and to authorize the Chairman to execute same. A copy of the request, identified as "Attachment 7", follows these minutes and are made an official part hereof.**

3. **Approval of Mutual Planning Reconfiguration Certifications and the Transition Administrator Certification as requested by E-911 Communications. A copy of the request and certifications, identified as "Attachment 8", follow these minutes and are made an official part hereof.**

4. **Approval of the proposal from Motorola for reconfiguration services for modification to the County's radio system, in accordance with FCC mandates, as requested by E-911 Communications. A copy of the request and proposal, identified as "Attachment 9", follow these minutes and are made an official part hereof.**

5. **Approval of Resolution 2008-08 which adjusts annual rate for street lights for residents who live in approved light districts in unincorporated Fayette County. A copy of the request and Resolution 2008-08, identified as "Attachment 10", follow these minutes and are made an official part hereof.**

6. **Approval of the Road Department's recommendation to award annual contract for Paint Striping Bid #663 to Peek Marketing, L.L.C. for $435 per solid line and $395 per skipped line mile. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.**

7. **Approval of staff's recommendation to enter into an agreement with Lichty Commercial Construction, Inc. for construction of restroom facilities at Kiwanis Park in the amount of $71,500, and for the Chairman to sign said agreement. The bid was awarded on March 13, 2008. A copy of the request and agreement, identified as "Attachment 12", follow these minutes and are made an official part hereof.**

8. Approval of recommendation by Water System staff that the County enter into an agreement with John Weiland Homes to relocate an access easement to the County's Sandy Creek wetlands mitigation site. A copy of the request and Relocation of Easement agreement, identified as "Attachment 13", follow these minutes and are made an official part hereof.

9. Approval of minutes for Board of Commissioners' meetings held on March 27, 2008, the Board of Commissioners' Budget Workshop held on April 1, 2008, and the Board of Commissioners' Meeting held on April 10, 2008.

Commissioner Horgan motioned to approve Consent Agenda Items 1-9 and was seconded by Commissioner Pfeifer. Commissioner Maxwell asked for Consent Agenda Item 2 to be excluded from the motion in order to be discussed. Commissioner Horgan amended his motion to approve Consent Agenda Items 1-9 with the exception of Consent Agenda Item 2, and Commissioner Pfeifer seconded the motion. No further discussion followed. The amended motion passed unanimously.

Commissioner Maxwell motioned to approve Consent Agenda Item 2 before explaining the reason he asked for that item to be removed from the Consent Agenda. He said he wanted to disclose that Cherry, Bekaert & Holland had been his CPA firm for 25 years, and that it appeared they had been working with the County before he was elected. He said he would vote on Consent Agenda Item 2 if the Board approved, but if the Board thought he should not vote then he would abstain. He stated Cherry, Bekaert & Holland did not contribute to his campaign so he did not believe he was technically precluded from voting on this item. Chairman Smith asked Commissioner Maxwell if he thought the amount he paid to Cherry, Bekaert & Holland was significant in regard to their total revenue, and if he had a relationship with any personnel who are directly involved with the County audit. Commissioner Maxwell answered "no" to the first question, and said he knew who his CPA was but did not know who any of the County auditors were. Chairman Smith said as long as the County auditor and Commissioner Maxwell's CPA were not one and the same person he would have no objection to Commissioner Maxwell voting on Consent Agenda Item 2. Commissioner Maxwell said he did not think they were one and the same person. Commissioner Horgan then seconded Commissioner Maxwell's motion to approve Consent Agenda Item 2. Chairman Smith stated that he also is a CPA, but has no relationship with Cherry, Bekaert & Holland. No further discussion followed. The motion to approve Consent Agenda Item 2 passed unanimously.

ADMINISTRATOR'S REPORT:

Storage Building: Interim County Administrator Jack Krakeel reported that County work crews have completed the preparatory work for the construction of the storage building located at the County's Public Works' facility. He said the work is scheduled to begin next week, and should be completed prior to the commencement of the County's auction. He said it would be a tremendous benefit to limiting the disruption to the Public Works facility that has been historically witnessed by locating all of the surplus items in current maintenance bays. He reported the work is on budget and on track, and informed the Board that the aggregate dollar amount for constructing the storage building was approximately $80,000.

ATTORNEY"S REPORT:

Horton Creek Park: County Attorney Scott Bennett reported that he had one contract that he wanted approval for the Chairman to sign. He reminded the Board that it had previously awarded a bid to Jimco Construction Company for installation of additional parking at Horton Creek Park, and the contract would effectuate that bid. He stated he had reviewed the contract and that all the documents were in order, that the insurance and bonds were also in order, and asked the Chairman's authorization to sign the contract. Commissioner Frady motioned to authorize the Chairman to sign the Jimco Construction Company contract and was seconded by Commissioner Horgan. No

discussion followed. The motion passed unanimously. A copy of the contract, identified as "Attachment 14", follows these minutes and is made an official part hereof.

STAFF REPORTS:

None.

BOARD REPORTS:

None.

EXECUTIVE SESSION:

Several Real Estate Items and One Legal Item: County Attorney Scott Bennett stated there were several real estate items and one litigation item that needed to be discussed in Executive Session. Commissioner Horgan motioned to adjourn to Executive Session to discuss several real estate items and one item of litigation. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned into Executive Session at 7:40 p.m. and reconvened into Regular Session at 8:37 p.m.

Executive Session Affidavit: Commissioner Horgan motioned to authorize the Chairman to sign an Executive Session Affidavit stating several real estate items and one item of litigation were discussed in Executive Session. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 15", follows these minutes and is made an official part hereof.

Approval of Resolutions: Commissioner Frady motioned to approve resolutions concerning parcels 1, 2, 3, 4, 5, 5A, 6, 7, 8, 8A, 9 and 17 of land for the West By-Pass, and was seconded by Commissioner Horgan. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner Horgan motioned to adjourn the meeting and was seconded by Commissioner Frady. No discussion followed. The motion passed unanimously.

Chairman Smith adjourned the meeting at 8:39 p.m.

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 22nd day of May, 2008.

Floyd L. Jones, Deputy Clerk