Minutes

Board of Commissioners
May 22, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, May 22, 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 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 Frady made a motion to approve the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

PRESENTATION/RECOGNITION:
PROCLAMATION RECOGNIZING THE MONTH OF MAY AS "OLDER AMERICANS MONTH":
A. Presentation of Proclamation recognizing the month of May as "Older Americans Month."

Chairman Smith read the Proclamation recognizing the month of May as "Older Americans Month" and presented it to representatives of Senior Services. A copy of the Proclamation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

RECOGNITION OF BARBARA ARNOLD UPON HER RETIREMENT:
B. Presentation to Barbara Arnold in recognition of her years of service to Fayette County in the Tax Commissioner's Office.

The Board recognized Barbara Arnold for her thirty-four years of service in the Fayette County Tax Commissioner's Office. Tax Commissioner George Wingo commended Barbara on her years of service and she was presented with a rocking chair.

RECOGNITION OF DEBBIE GLAZIER UPON HER RETIREMENT:

C. Presentation to Debbie Glazier in recognition of her years of service to Fayette County in the Water System.

The Board recognized Debbie Glazier for over thirty years of service in the Fayette County Water System. Water System Director Tony Parrott commended Debbie for her years of service and she was presented with a rocking chair.

PUBLIC HEARING: Director of Community Development Pete Frisina read the rules for public hearings. A copy of the rules, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

PACKAGED BEER AND WINE LICENSE APPROVED FOR BL CRAVEN, INC.:

D. Consideration of a Packaged Beer and Wine License for BL Craven, Inc. d/b/a Brenda's Country Store, 1619 S.R. 92 South, Fayetteville, Georgia, Brenda Craven, Owner/Applicant. This property is located in Land Lot 247 of the 4th District, fronts on S.R. 92 South, and is zoned A-R. This is for a Change of Ownership only.

Chairman Smith asked if the applicant or a representative was present. Seeing none, the Chairman asked if anyone wished to speak in support of the petition. Hearing none, he asked if anyone wished to speak in opposition to the petition. Hearing none, he declared the public hearing closed and asked for the Board's pleasure in this matter.

Commissioner Pfeifer made a motion to approve the packaged beer and wine license for BL Craven, Inc. d/b/a Brenda's Country Store. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

ORDINANCE NO. 2008-04 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VI. DISTRICT USE REQUIREMENTS, SECTION 6-2. EST ESTATE RESIDENTIAL DISTRICT APPROVED:

E. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-2. EST Estate Residential District, to reduce the minimum house size required under Section F. Dimensional Requirements, Section 3. Floor Area as presented by the Planning and Zoning Department. The Planning Commission recommended approval to reduce the minimum floor area from 3,000 square feet to 2,500 square feet (4-1).

Director of Community Development Pete Frisina remarked that this item had originated as a result of a request from Rod Wright of Peachstate Land Development who holds the only parcel in the County that was zoned for EST. He said Mr. Wright had come before the Board to ask for permission for staff to review the house size requirement in the EST zoning district. He said the Board had directed staff to review this and it

was discussed with the Planning Commission. He remarked that this information was brought back to the Board of Commissioners at the April 2nd meeting and there was discussion of the square footage being 2,300. He noted that the Planning Commission had recommended a 2,500 square feet minimum house size and this was the recommendation before the Board tonight.

Chairman Smith asked if anyone was present to speak in favor of the proposed amendment to the Fayette County Zoning Ordinance. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he declared the public hearing closed and asked for the Board's pleasure in this matter.

Commissioner Maxwell made a motion to follow the recommendation of the Planning Commission to reduce the minimum floor area to 2,500 square feet in the Estate Residential District (EST). Commissioner Pfeifer seconded the motion, discussion followed.

Commissioner Maxwell noted that this was the only piece of property in Fayette County that was designated EST zoning. He said it was the Planning Commission's recommendation with a vote of 4-1 to recommend 2,500 square feet. He remarked that the minimum lot size would remain at 2.5 acres and this amendment was simply dealing with the square footage of the homes.

Commissioner Frady remarked that the EST zoning had been requested and approved by the Board. He felt if the Board changed this square footage, it would give the appearance of an attempt to help sell houses. He felt the house size should not be changed and felt it would open "pandora's box" in regard to square footage requirements in other zoning districts. He said there were already several homes built there and he was not in favor of reducing the house size now for the sale of future homes in this same subdivision. He said he could not support this motion.

Commissioner Horgan said he agreed somewhat with Commissioner Frady in that the County did make some concessions with this group on the estate lots. He felt if the economy was strong right now, then there would be no discussion of trying to change this ordinance. He said the Planning Commission was not united in trying to change this and noted that it was a 4-1 vote. He said if the Board changed the zoning it might appear that the Board was helping with the profitability of a builder. He also noted that there were already existing homes built in this subdivision and he would not be able to consider changing the square footage requirement now.

Commissioner Pfeifer said he agreed that it was not the Board's business to make money for a builder or take money from a builder. He felt that no one could afford to purchase land in Fayette County and put cheap housing on it and to him the market was what determines what house size should be and not individuals' conceptions as to what they feel it should be. He said he would support this amendment change.

Chairman Smith expressed concern that this was a zoning classification that apparently no one was using which seemed to indicate to him that the zoning classification itself was unnecessary. He felt staff might need to review this and determine whether or not this zoning classification was even necessary.

Commissioner Frady said he would like an overall comprehensive review of the zoning ordinance.

Mr. Frisina remarked that the last overview was done in 1998 where there was an overview of the entire zoning ordinance and this was the time that EST came in as a five acre zoning. He said he was not sure how a zoning district could be rewritten to fit what had already been done there since it had a conservation element to it.

The motion carried 3-2 with Commissioner Horgan and Commissioner Frady voting in opposition. A copy of the request and Ordinance No. 2008-04, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

DISCUSSION OF AMENDMENTS TO THE LAND USE ELEMENT OF THE FAYETTE COUNTY COMPREHENSIVE PLAN REGARDING THE S.R. 54 OVERLAY DISTRICT:

F. Consideration of proposed amendments to the Land Use Element of the Fayette County Comprehensive Plan regarding the S.R. 54 West Overlay District as presented by the Planning and Zoning Department. The Planning Commission recommended to table the proposed amendments to the May 15, 2008 workshop to allow further discussion and to hold a public hearing on June 5, 2008 (5-0) and heard by the Board of Commissioners on June 26, 2008.

Chairman Smith remarked that the Planning Commission had requested to table this matter until their June 5th meeting and to be heard by the Board of Commissioners on June 26th. He asked for the Board's pleasure in this matter.

Commissioner Frady made a motion to approve the request by the Planning Commission to table this item to their June 5th meeting and to be heard by the Board of Commissioners on June 26th. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

BRUNO NOTO: Bruno Noto, Snead Road, Fayetteville commented on the Snead Road paving project. He thanked the Board and staff for everything they had done regarding the Snead Road paving project. He asked the Board if it would be possible to send a letter outlining the status of the project to all of the landowners living on Snead Road.

Chairman Smith remarked that trying to get this project completed had been a challenge. He felt there was a time frame now where this project could move forward. He said the remainder of the right-of-way needed to be acquired and he felt the schedule could be met. He thanked Mr. Noto for his comments.

CONSENT AGENDA: Commissioner Frady requested item #7 be removed for discussion. Commissioner Maxwell requested item #13 be removed for discussion. Commissioner Frady made a motion to approve consent agenda items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 14 as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

RESOLUTION NO. 2008-09 - SUPPORTING THE GEORGIA WILDLIFE FEDERATION FOR USE OF PRESCRIBED FIRE:

1. Approval of request from Fire and Emergency Services for adoption of a Resolution supporting the Georgia Wildlife Federation and the use of prescribed fire for multiple ecological and economic benefits to the public. A copy of request and Resolution No. 2008-09, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

RAVEN'S LANDING SUBDIVISION APPROVED AS A STREET LIGHT DISTRICT:

2. Approval of staff's recommendation to allow Raven's Landing Subdivision to become a street light district. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

TAX ASSESSOR'S REQUEST FOR A BUDGET ADJUSTMENT:

3. Approval of request from the Tax Assessor for a budget transfer from the Technical Services Account to the Computer Equipment Account in order to purchase a plotter and computer as approved in the FY 2008 budget. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT'S REQUEST FOR A BUDGET ADJUSTMENT:

4. Approval of request from the Sheriff's Department to amend the Overtime Budget for the Criminal Investigation Division by $5,814.22 as a result of reimbursement of overtime funds from various Federal programs for personnel assigned to work investigations in cooperation with these agencies. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT'S REQUEST FOR A VEHICLE REPLACEMENT:

5. Approval of request from the Sheriff's Department to replace a 2003 Ford Explorer and authorization to sign the tag and title paperwork for the new vehicle as recommended by the Vehicle Replacement Committee. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT'S REQUEST FOR DISPOSAL OF VEHICLES:

6. Approval of request from the Sheriff's Department Criminal Investigation Division to dispose of three high mileage vehicles in poor condition that will be sold or traded in for three comparable vehicles. A copy of the request, identified as "Attachment No.11", follows these minutes and is made an official part hereof.

PURCHASING DEPARTMENT'S REQUEST TO EXTEND THE ANNUAL CONTRACT WITH WALKER CONCRETE:

7. Approval of request from the Purchasing Department to extend the annual contract with Walker Concrete for ready-mix concrete at the same prices of the original agreement for one year to expire on April 30, 2009. A copy of the request, identified as "Attachment No.12", follows these minutes and is made an official part hereof.

Commissioner Frady questioned the current prices for ready-mix concrete.

Interim County Administrator Jack Krakeel remarked that staff had done an analysis on the current prices for concrete and it was determined that the renewal rate quoted by Walker Concrete was below the current market rate. He said this was the best rate that the County could get in the current market environment and it was below the competitive rates.

Commissioner Frady made a motion to approve the request from the Purchasing Department to extend the annual contract with Walker Concrete for ready-mix concrete at the same prices of the original agreement for one year to expire on April 30, 2009. Commissioner Horgan seconded the motion. The motion carried 5-0.

RANDY HAYES REAPPOINTED TO THE FAYETTE COUNTY DEVELOPMENT AUTHORITY:

8. Approval of reappointment of Randy Hayes to an additional four year term on the Fayette County Development Authority which began on April 10, 2008, and will end on April 9, 2012. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

JACK KRAKEEL REAPPOINTED TO THE FAYETTE COUNTY HOSPITAL AUTHORITY:

9. Approval of reappointment of Jack Krakeel to the Fayette County Hospital Authority for an additional four year term beginning June 1, 2008, and will end on May 31, 2012. A copy of the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

STEVEN WIDENER REAPPOINTED TO THE FAYETTE COUNTY HOSPITAL AUTHORITY:

10. Approval of reappointment of Steven Widener to the Fayette County Hospital Authority for an additional four year term beginning June 1, 2008, and will end on May 31, 2012. A copy of the request, identified as "Attachment No.15", follows these minutes and is made an official part hereof.

TERRY WILLIS REAPPOINTED TO THE MCINTOSH TRAIL COMMUNITY SERVICE BOARD:

11. Approval of reappointment of Mrs. Terry Willis to the McIntosh Trail Community Service Board for an additional four year term beginning July 1, 2008, and will end on June 30, 2012. A copy of the request, identified as "Attachment No .16", follows these minutes and is made an official part hereof.

BRIAN CARDOZA APPOINTED TO THE FAYETTE COUNTY PUBLIC FACILITIES AUTHORITY:

12. Approval of appointment of Brian Cardoza to fill the unexpired term of Chuck Watkins on the Fayette County Public Facilities Authority with said term ending on February 28, 2009. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

THOMAS STEPHENS APPOINTED TO THE FAYETTE COUNTY RECREATION COMMISSION:

13. Approval of appointment of Thomas Stephens to a four year term on the Fayette County Recreation Commission which began April 1, 2008, and will end on March 31, 2012. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

Commissioner Maxwell made a motion to appoint Thomas Stephens to a four year term on the Fayette County Recreation Commission which began April 1, 2008 and will end on March 31, 2012. Commissioner Horgan seconded the motion. The motion carried 5-0.

MINUTES:

14. Approval of minutes for Board of Commissioners' meetings held on April 2, 2008 and April 24, 2008.

OLD BUSINESS:

G. Water System Director Tony Parrott will ask for the Board's consideration to submit an application to the Department of Natural Resources to modify the County's water restrictions from the current Level 4 to Level 2 which would allow for outside water use three days a week on the odd/even system with no outside watering on Friday.

Water System Director Tony Parrott asked for the Board's consideration to submit an application to the Department of Natural Resources to modify the County's water restrictions from the current Level 4 to something less. He noted that Level 4 consisted of a level A, B. and C and the County would not know which level it would get until the information was sent to the D.N.R. He said the D.N.R. would review the request within five days and then let the County know which level the County would be eligible for. He noted that it should take no longer than two weeks to get an answer. He asked for authorization for the Chairman to execute the application.

Commissioner Frady made a motion to authorize Water System Director Tony Parrott to proceed with submitting a petition to the Department of Natural Resources to modify the County's water restrictions from the current level 4 and authorization for the Chairman to execute the application. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the request together with the application, identified as "Attachment No. 19", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORT:

None.

ATTORNEY'S REPORT:

ASPHALT RESURFACING CONTRACT: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute the Asphalt Resurfacing Contract that was awarded to C.W. Matthews Contracting Co., Inc.

Commissioner Frady made a motion to authorize the Chairman to execute the asphalt resurfacing contract that was awarded to C.W. Matthews Contracting Co., Inc. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

STAFF REPORTS:

None.

BOARD REPORTS:

COMMISSIONER PFEIFER: Commissioner Pfeifer asked for the Board's consideration to grant Mr. Noto's request for the Interim County Administrator Jack Krakeel to send a letter to the residents of Snead Road regarding the status of Snead Road.

It was the consensus of the Board that the Interim County Administrator Jack Krakeel would send a letter to the residents of Snead Road providing them with the status of the project.

COMMISSIONER PFEIFER: Commissioner Pfeifer expressed concern regarding the current format of Board of Commissioners' meeting minutes as well as official minutes for other commissions and committees of the County. He remarked that the meeting minutes for many years were transcribed verbatim and now they were abbreviated minutes. He also commented on a recent newspaper article written by a citizen that the attachments were not included with the approved minutes. He said he would like the format to return to verbatim transcription.

Commissioner Pfeifer made a motion to return to verbatim transcription of the Board of Commissioners' meetings. Commissioner Maxwell seconded the motion for discussion.

Commissioner Maxwell remarked that a court reporter would be necessary in order to have verbatim transcription of the minutes and this might involve reading approximately 150 pages of minutes per meeting. He noted that there would also be the cost involved for the court reporter's services.

County Attorney Scott Bennett stated that the Georgia Open Meetings Act states that the minutes of a meeting for any agency shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency but in no case later than immediately following the next regular meeting of the agency. He said one of his concerns was to get the minutes prepared promptly and provided to the Board for approval at the next meeting. He said it also stated in the Act that said minutes shall as a minimum include the names of members present at the meeting, a description of each motion or proposal made and a record of all votes. He said the recordings of all meetings are also kept as a record of what happened at the meeting if anyone wanted to hear those.

County Clerk Carol Chandler responded to the comment regarding minutes on the County's website and having the attachments included. She said attachments to minutes were not placed on the website but as far as the official record that was maintained in the County Clerk's Office, all of the attachments were included with the official minutes.

Interim County Administrator Jack Krakeel interjected that the Board of Commissioners' meeting Agenda that was posted on the County's website does include all attachments and backup material for that Agenda and this was available to all citizens.

Chairman Smith asked if there was any further discussion. Hearing none, he called for the vote.

The motion failed 1-4 with Chairman Smith, Commissioner Frady, Commissioner Maxwell and Commissioner Horgan voting in opposition.

COMMISSIONER FRADY: Commissioner Frady asked the staff to review the zoning classifications and determine if they were still adequate and protect the County. He noted that it had been ten years since the last review.

Director of Community Development Pete Frisina said he would be glad to give the Board an overview at a Board Workshop meeting and the Board agreed.

EXECUTIVE SESSION:
COUNTY ATTORNEY SCOTT BENNETT: County Attorney Scott Bennett asked for an Executive Session to discuss three real estate matters.

Commissioner Horgan made a motion to adjourn to Executive Session to discuss three real estate matters. Commissioner Pfeifer seconded the motion. The motion carried 5-0.

Chairman Smith reconvened the meeting.

Commissioner Horgan made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that three real estate matters were discussed in Executive Session. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 21", follows these minutes and is made an official part hereof.

Chairman Smith remarked that the Board directed the staff to proceed in two of the real estate matters. He noted that the third real estate matter regarded a Resolution authorizing a corrective Deed and the authorization for the Chairman to sign the corrected Deed.

Commissioner Horgan made a motion to authorize the Chairman to execute a Resolution authorizing a corrected deed regarding the Johnson mitigation tract for Lake McIntosh and execute the deeds to record same. Commissioner Pfeifer seconded the motion. The motion carried 5-0. A copy of the Resolution, identified as "Attachment No. 22", follows these minutes and is made an official part hereof.

ADJOURNMENT:
Commissioner Frady made a motion to adjourn the meeting at 9:15 p.m. Commissioner Horgan seconded the motion. The motion carried 5-0.

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 12th day of June, 2008.

Karen Morley, Chief Deputy Clerk