Workshop Minutes

Board of Commissioners
October 7, 2009
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Wednesday, October 7, 2009, at 3:30 p.m. in the Commissioners' Conference Room in the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice Chairman Robert Horgan Eric Maxwell
Commissioner Absent:	Lee Hearn
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

---

Call to Order by Chairman.

Chairman Smith called the October 7, 2009 Board of Commissioners Workshop Meeting to order at 3:33 p.m.

Commissioners Lee Hearn and Eric Maxwell were absent from the Workshop Meeting when it was called to order since they were attending educational classes in Atlanta, Georgia. Commissioner Maxwell arrived at the meeting at 4:43 p.m.

Acceptance of Agenda.

Commissioner Frady moved to accept the agenda as published. Commissioner Horgan seconded the motion. No discussion followed and the motion passed 3-0 with Commissioners Hearn and Maxwell absent from the vote.

NEW BUSINESS:

A. Approval of staff's recommendation for supplemental budget adjustments for the fiscal year ending June 30, 2009.

Assistant Finance Director Toni Jo Howard made a brief presentation and answered questions from the Board. She explained that these final budget adjustments were required in order to finalize the closure of the Fiscal Year 2009 budget and to facilitate the upcoming work of the County's auditors.

Commissioner Frady moved to approve staff's recommendation for supplemental budget adjustments for the close-out of the Fiscal Year 2009 Budget which ended on June 30, 2009. Commissioner Horgan seconded the motion. Discussion followed and the motion passed 3-0 with Commissioners Hearn and Maxwell absent from the vote. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

B. Approval of staff's recommendation to award construction services for Special Purpose Local Option Sales Tax (SPLOST) intersection improvements at McBride and Antioch Roads (Project No. I-12) to Southeaster Site Development for the amount of $301,052.85.

Public Works Director Phil Mallon explained the recommendation and answered the Board's questions.

Commissioner Horgan moved to approve staff's recommendation to award construction services for Special Purpose Local Option Sales Tax (SPLOST) intersection improvements at McBride and Antioch Roads (Project No. I-12) to Southeastern Site Development utilizing SPLOST funds in the amount of $301,052.85. Commissioner Frady seconded the motion. No discussion followed and the motion passed 3-0 with Commissioners Hearn and Maxwell absent from the vote. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

C. Approval of staff's recommendation to award construction services for Special Purpose Local Option Sales Tax (SPLOST) intersection improvements at Kenwood and New Hope Roads (Project No. R-6) to B&J Paving for the amount of $177,309.15.

Public Works Director Phil Mallon explained the recommendation and answered the Board's questions.

Commissioner Horgan moved to approve staff's recommendation to award construction services for Special Purpose Local Option Sales Tax (SPLOST) intersection improvements at Kenwood and New Hope Roads (Project No. R-6) to B&J Paving utilizing SPLOST funds in the amount of $117,309.15. Commissioner Frady seconded the motion. No discussion followed and the motion passed 3-0 with Commissioners Hearn and Maxwell absent from the vote. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

D. Discussion of a proposed Driveway Easement Policy as presented by Public Works.

Public Works Director Phil Mallon presented a draft of a proposed Driveway Easement Policy to the Board for discussion and direction.

The Board discussed the proposed policy and directed Mr. Mallon to informally present the proposed policy to the Planning Commission and to discuss the proposal with Planning and Zoning staff and County Attorney Scott Bennett. A copy of the request and the updated proposed Driveway Easement Policy, identified as "Attachment 4", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORT

Update on Lake McIntosh Dam: County Administrator Jack Krakeel remarked that Consulting Engineer David Jaeger of Mallet Consulting had indicated to him that the Department of Natural Resources (DNR) was currently aprpoving the plans for the Lake McIntosh Dam project. He said approval of the plans should be confirmed to him by e-mail shortly, and if the plans are approved then they should be provided to the County on the morning of October 12, 2009.

Update on G.D.O.T. Gateway Grants for Enhancement of Medians and Right-of-Ways: County Administrator Jack Krakeel remarked that at the July 23, 2009 Board of Commissioners meeting staff presented the Board with a summary of cost estimates and funding that was available for the installation of right-of-way landscaping on S.R. 85 near the Clayton County line and S.R. 74 near the Fulton County line. He reminded the Board that it directed staff to try to find a way to "trim the cost" and staff has followed that directive. The Board discussed the funding for these projects and took no action.

ATTORNEY'S REPORT

Contract for Proposal #P713 to Curb Specialist, Inc.: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute the contract for Proposal #P713 with Curb Specialist, Inc. in the amount of $183,182.75 for the installation of curbing, catch basins and other concrete works for the West Fayetteville Bypass Project. He noted Bid #P713 was awarded by the Board during its August 13, 2009 meeting.

Commissioner Frady moved to authorize the Chairman to sign a contact for Proposal #P713 with Curb Specialists, Inc. For the commencement and completion of curbing, catch basins, and other concrete work associated with the West Fayetteville Bypass in the amount of $183,182.75. Commissioner Horgan seconded the motion. No discussion followed and the motion passed 3-0 with Commissioners Hearn and Maxwell absent from the vote. A copy of the contract, identified as "Attachment 5", follows these minutes and is made an official part hereof.

Draft Ordinance for Use of Alcoholic Beverages for Special Events held at the Fayette County Chamber of Commerce, Fayette County Economic Development Authority, and Fayette Senior Services: County Attorney Scott Bennett reminded the Board that Fayette Senior Services would be having an Oktober Fest event and they had requested the possible use of alcohol at this event. He said a draft ordinance would be brought to the Board at the October 22, 2009 meeting. He explained the County would continue to ban the use of alcoholic beverages on all County property except those properties leased by the either the Fayette County Chamber of Commerce, the Economic Development Authority, or the Fayette Senior Services. He stated those organizations would be allowed to serve alcohol under special conditions, and explained the restrictions placed on the use of alcohol at those locations as outlined in the draft ordinance. Mr. Bennett informed the Board that he would e-mail the draft ordinance to the Board for their review and it would be placed on the October 22, 2009 Agenda for approval. Commissioner Frady mentioned that although he would not be present at the October 22, 2009 Board of Commissioners meeting he would be in favor of the discussed changes to the ordinance.

Update on the Ethics Complaint: County Attorney Scott Bennett updated the Board on the Ethics Panel hearing which was held on September 28, 2009 during which time the panel determined Commissioner Horgan's actions constituted two counts of ethics ordinance violations. He said to date the County has not received a written decision from the panel stating exactly what the decision was and any reasoning or findings that the panel made with respect to its decision. He said once the order was received a thirty (30) day period would commence during which Commissioner Horgan would have an opportunity to appeal the decision to the Fayette County Superior Court. He said if no appeal was filed within 30 days after the County received the order, the decision would become final and would no longer be appealable. He said at that point it would be appropriate for the Board to move forward in making a decision on what should be done in dealing with the panel's decision.

STAFF REPORTS

Update on the Construction of Lake McIntosh Dam and Reservoir: Water System Director Tony Parrott presented information to the Board concerning general contractors who had been prequalified by Mallet Consulting, Inc. to bid on the construction of the Lake McIntosh Dam, in order to save time after bids had been submitted. Discussion followed during which time Commissioner Maxwell entered the meeting.

Commissioner Frady moved to approve the list of the five qualified general contractors who had responded to an RFQ dated May 12, 2009, as presented by Mr. Parrott, who would be eligible to bid when the County solicits bids in the near future for the construction of the Lake McIntosh Dam Project. Commissioner Horgan seconded the motion. No discussion followed and the motion passed 3-0-1 with Commissioner Maxwell abstaining from the vote due to his late arrival during the discussion. A copy of the list of the five qualified general contractors, identified as "Attachment 6", follows these minutes and is made an official part hereof.

Update on the H1N1 Influenza Virus (Swine Flu): Director of Public Safety Allen McCullough updated the Board on the H1N1 mitigation, preparedness, response, and recovery activities that the Fire and Emergency Services Department had initiated or partnered with Public Health in anticipation of the H1N1 virus in Fayette County. A copy of a memo describing activities taken with respect to the H1N1Influenza Virus, identified as "Attachment 7", follows these minutes and is made an official part hereof.

Replacement of Medic Units for Emergency Services: Director of Public Safety Allen McCullough briefed the Board on the possible replacement of three medic units, or ambulances, for Emergency Services and stated that this request would come before the Board at its October 22, 2009 meeting for consideration. A copy of the a memo regarding the replacement of medical units, identified as "Attachment 8", follows these minutes and is made an official part hereof.

Report on Requests from the City of Peachtree City concerning Reaffirmation of Annexation for 800 Acres, Deannexation of 1.17 Acres, and Annexation of 18 Acres : Director of Zoning Dennis Dutton reported that the County has once again received a request for reaffirmation of annexation for two properties in Peachtree City that total over 800 acres. He stated staff's recommendation is that the County does not need to take any action based on the last time the same request was submitted by Peachtree City and discussed by the Board of Commissioners as reflected in the February 4, 2009 Minutes. He further concluded no action was required from the Board since the annexation and rezoning had already occurred as of May 3, 2007.

Mr. Dutton informed the Board a second request was submitted by Peachtree City which would need to be addressed at the October 22, 2009 Board of Commissioners meeting, and he explained the request was for deannexation of 1.17 acres, or a ten-foot strip, which extends from Peachtree City to the Coweta County line. He said the request was apparently prompted as a response from Peachtree City due to litigation from Peachtree City citizens. Discussion followed regarding the deannexation request during which Commissioner Maxwell asked for a copy of the request from Peachtree City. Chairman Smith asked Mr. Dutton to send the requests, maps, and other relevant information to the Board prior to the October 22, 2009 Board of Commissioners meeting.

In conclusion, Mr. Dutton reported the county had received notification from Peachtree City that Southern Pines Plantation has applied for the annexation of an 18 acre tract located on S.R. 74 near Redwine and Rockaway Roads. He anticipated staff's reports regarding the annexation request would be provided to the Board by Friday, October 9, 2009 along with comments from other departments. Discussion followed. The Board directed the request to be placed on the October 22, 2009 Agenda. The Board took no action on any of the requests which were presented.

BOARD REPORTS

There were no Board Reports.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

Commissioner Frady informed the Board he would not be present for the October 22, 2009 Board of Commissioners meeting.

No further business came before the Board, and Chairman Smith adjourned the October 7, 2009 Board of Commissioners Workshop Meeting at 5: 24 p.m. with no objection from the Board.

Floyd L. Jones, 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 22nd day of October, 2009.

Floyd L. Jones, Deputy Clerk