Minutes

Board of Commissioners
September 24, 2009
7:00 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 Thursday, September 24, 2009, 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 Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Karen Morley, Chief Deputy Clerk Floyd Jones, Deputy Clerk
Staff Absent:	Carol Chandler, Executive Assistant

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

ACCEPTANCE OF AGENDA: Commissioner Horgan made a motion to accept the agenda as presented. Commissioner Hearn seconded the motion. Chairman Smith requested item F under new business be removed from the agenda Commissioners Horgan and Hearn accepted the amendment to the motion to accept the agenda as presented with the exception of item F under new business that was removed. The motion carried 5-0.

PRESENTATION/RECOGNITION:

A. RECOGNITION OF FIRE AND EMERGENCY SERVICES PERSONNEL IN SAVING THE LIFE OF A HEART ATTACK VICTIM:

Director of Public Safety Allen McCullough introduced the crews of Medic 42 and Squad 4 which included Battalion Commander Larry Patrick, Captain Douglas Morris, FF/Paramedic Joseph Barnett, FF/EMT William Boemanns, FF/EMT Ronald Redman, and the City of Fayetteville Fire Department's crew of Engine 91. The Board recognized them for saving

the life of heart attack victim Todd Hellams on August 28th at the Wings and Things Restaurant in Fayetteville. Todd Hellams thanked all of the emergency personnel who were involved in saving his life and commended them for their professionalism, training and compassion.

PUBLIC HEARING:

B. CONSIDERATION OF A PACKAGED BEER AND WINE LICENSE FOR SANIL ENTERPRISES, LLC D/B/A DAVIS COUNTRY STORE, 1619 SR 92 SOUTH, FAYETTEVILLE, GEORGIA, AMIR ALI SOMANI, OWNER/APPLICANT. THIS PROPERTY IS LOCATED IN LAND LOT 247 OF THE 4TH DISTRICT, FRONTS ON SR 92 SOUTH, AND IS ZONED A-R. THIS IS A CHANGE OF OWNERSHIP ONLY:

Chairman Smith asked if the applicant was present. Amir Ali Somani said he was the owner/applicant and this request was for a change of ownership only. Mr. Somani asked for the Board's consideration to grant his request.

Chairman Smith asked if anyone wished to speak in favor of the application. 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 packaged beer and wine license for Sanil Enterprises, LLC d/b/a Davis Country Store, 1619 SR 92 South, Fayetteville, Georgia. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

C. CONSIDERATION AND APPROVAL OF RESOLUTION 2009-15 WHICH APPROVES THE FAYETTE COUNTY 2009 ANNUAL REPORT ON FIRE SERVICES IMPACT FEES FOR FY2009 , INCLUDING THE COMPREHENSIVE PLAN AMENDMENTS FOR UPDATES TO THE CAPITAL IMPROVEMENTS ELEMENT AND SHORT-TERM WORK PROGRAM FOR FY2010-FY2014:

Assistant Director of Planning Tom Williams remarked that this was an annual process. He asked for the Board's consideration to approve the Resolution which would approve the Fayette County 2009 Annual Report on Fire Services Impact Fees for FY2009, including the Comprehensive Plan Amendments for updates to the Capital Improvements Element and Short-Term Work Program for FY2010-FY2014. He also asked for consideration for the Chairman to execute the Resolution as well as to transmit this to the Atlanta Regional Commission for coordination of regional and State review. He noted that the impact fees collected for FY2009 in the County amounted to $24,184. He said this was a considerable drop from the high that the County had in 2005 but was reflective of the current economic climate.

Commissioner Horgan made a motion to approve Resolution 2009-15 regarding the 2009 annual report on fire services impact fees for FY2009 including the comprehensive plan amendments for updates to the capital improvements element and short-term work program for FY2010-FY2014 and to authorize transmittal of the Resolution to the Atlanta Regional Commission for regional and State review. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of Resolution No. 2009-15 as well as the request, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

GORDON FURR: Gordon Furr of Tyrone commented on the West Fayetteville Bypass. He felt the Bypass would have a huge impact on the County's water supply as a result of the drain pipes that would be installed in the County's greenspace areas. He also pointed out that there would be increased traffic on Sandy Creek Road that would impact citizens who lived in that area. He commented on the fire station in Tyrone and felt the septic tank for that station was repairable. He further remarked that Commissioner Horgan should resign as a member of the Fayette County Board of

Health and felt he was not doing his job since he was not upset over the intrusion of the bypass on the County's wetlands.

TOM HALPIN: Tom Halpin commented on Phase III of the Bypass and the close proximity of it to his subdivision Surrey Park. He questioned when signs would be posted that would let the citizens know exactly where Phase III was being proposed for construction. He said it was his understanding from County personnel that there were three or four plans being considered and after the County decided which plan would be the best for the County, signs would be posted and citizens would be notified. He urged the Board to let citizens know what was happening on Phase III before things started happening.

CONSENT AGENDA: Commissioner Horgan made a motion to approve consent agenda items 1 - 5 as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

FIRE & EMERGENCY SERVICES - BID AWARD #717 CREW CAB & CHASSIS:

1. Approval of staff's request to replace chassis for Squad 4 and recommendation to award Bid No. 717 Crew Cab & Chassis in the amount of $29,099 to Jacky Jones Ford Lincoln Mercury, Inc. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

EMERGENCY MANAGEMENT AGENCY:

2. Approval of Emergency Management Agency's request for authorization for the Chairman to execute the FY'09 Performance Partnership Agreement and the FY'09 Performance Partnership Agreement Award from Georgia Management Agency. A copy of the request and the Agreements, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

SHERIFF'S DEPARTMENT:

3. Approval of request from the Sheriff's Department to authorize the Chairman to execute documents for the acquisition of two vehicles to be purchased with Federal Seizure Funds. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT:

4. Approval of Sheriff's Office request to amend the Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by $500 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

MINUTES:

5. Approval of minutes for Board of Commissioners' meetings held on September 2, 2009 and September 10, 2009.

OLD BUSINESS:

D. FURTHER DISCUSSION BY ELECTIONS SUPERVISOR TOM SAWYER CONCERNING FUNDING THE COST OF THE ONE-PERCENT SPECIAL PURPOSE LOCAL OPTION SALES TAX REFERENDUM SCHEDULED FOR NOVEMBER 3, 2009:

Elections Supervisor Tom Sawyer that he had discussed this with the Board under Staff Reports at the last Commission meeting. A copy of his request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof. He said he had estimated the cost of conducting the Special County-wide Election on November 3rd not to

exceed $35,000. He stated there had also been discussion at the last Commission meeting regarding a proposal to notify the citizens who would be required to vote in two precincts with one being for the municipal election and one for the County's S.P.L.O.S.T. question. He said he had proposed that the Elections Office send out an informational postcard to those affected citizens in order to notify them of the two locations where they would need to vote.

Chairman Smith clarified that the issues involved included appropriating the money from contingency to fund the election for the S.P.L.O.S.T. and whether or not to incur the cost of sending an additional mailer out, which was not required, to properly inform the voters of the situation that some would have to vote in two separate locations.

Chairman Smith asked the Board if they wished to send out the mailer to notify the affected citizens of polling locations and it was the consensus of the Board to proceed with this. Chairman Smith remarked that the wording on the notice must be addressed and whether or not this Board would be accused of promoting or not promoting the S.P.L.O.S.T. based upon the wording in the notice. He asked County Attorney Scott Bennett to address that issue.

County Attorney Scott Bennett said he had reviewed the proposed notice and he found it to be neutral as to the issue of whether or not a S.P.L.O.S.T. should be imposed. He said the notice was purely informational and would only go to the affected voters.

Commissioner Hearn asked for the anticipated time for the mailing of the notice and Mr. Sawyer replied that it would probably be during the middle of October. Commissioner Hearn felt the notice should go out just before the election and not too far in advance.

Chairman Smith respectfully disagreed and felt the notice should go out as soon as possible to give the voters enough time. Mr. Sawyer said he would estimate that the Elections Office could accomplish this within two weeks. Chairman Smith said he would like this to proceed as quickly as possible.

County Administrator Jack Krakeel reminded the Board that in the S.P.L.O.S.T. agreement with the municipalities there was a provision that was agreed to by the municipalities for the reimbursement of expenses associated with the S.P.L.O.S.T. election and the $35,000 that was being allocated would not end up being the full cost to the County and there would actually be a reimbursement of approximately 51% from the municipalities back to the County.

Commissioner Horgan made a motion to approve the Elections Department's request to transfer up to $35,000 from contingency to the Elections Department's budget to fund the cost of conducting the special county-wide election on November 3, 2009 for a referendum for a Special Purpose Local Option Sales Tax which also includes mailing out the postcard notices as soon as possible to municipal voters regarding their polling location. Commissioner Frady seconded the motion. The motion carried 5-0.

E. UPDATE FROM CONSULTING ENGINEER DAVID JAEGER OF MALLETT CONSULTING, INC. CONCERNING A REQUEST FROM COWETA COUNTY IN REGARD TO INDIVIDUAL CERTIFICATES OF ELEVATION FOR PROPERTIES THAT ABUT LAKE MCINTOSH WHICH LIE WITHIN COWETA COUNTY:

Consulting Engineer David Jaeger of Mallett Consulting, Inc. remarked that he was the Project Manager for the Lake McIntosh project. He said when the Lake was completed and full FEMA would revise the flood plain maps changing the flood elevations around the lake and therefore changing the flood elevations that currently were on the properties abutting the lake. He said as a result the Coweta County Board of Commissioners has asked Fayette County to provide elevation certificates to these property owners. He said the intent of that would be that these property owners would be susceptible to an increase in their insurance premiums due to mandatory flood insurance required by a mortgage lender.

He said there were approximately 60 parcels on the Coweta County side of the reservoir and approximately half of those have structures on them. He said there was approximately the same number on the Fayette County side. He remarked that the cost to provide these elevation certificates would be approximately $500 each provided that they could be done in groups that would make it more efficient for a surveyor to do the work. He said each elevation certificate would require a surveyor to enter the property, take some elevation readings of the lowest finished floor, make assessments of the property and compare it to the new revised flood elevation.

County Attorney Scott Bennett said it was his recommendation to Mr. Jaeger that Fayette County provide Coweta County copies of what Fayette had sent to FEMA and these documents could be made available to homeowners to determine the potential floodplain area. He said so far as purchasing a certificate or paying for the homeowner to have a certificate, he did not feel that this was within the County's authority to do this. He said the County had already bought the right to flood this land. He said the County owned this land and the property owners have been on notice well before any of this occurred. He said any property damage or property issues that come with this potential flooding was compensated for when the County purchased the land. He said he would find it hard to justify spending more money for this potential flooding when the County had already bought the right to do it. He said the actual problem was with the County spending the money and the obligation for the County to do this.

County Administrator Jack Krakeel remarked that there had been a hearing approximately six to eight months ago that Water System Director Tony Parrott and David Jaeger attended. He said at that time homeowners were notified and discussions took place. He said he would be glad to contact the Coweta County Administrator and make sure that they understand the request.

Chairman Smith remarked that since Mr. Jaeger's discussion had not been with a Coweta Commissioner or the Chair of that Commission that this item be tabled until clarification could be obtained as to the intent of their request.

Commissioner Frady made a motion to table this item until further information could be obtained. Commissioner Horgan seconded the motion. The motion carried 5-0.

NEW BUSINESS:

F. CONSIDERATION OF WATER COMMITTEE'S RECOMMENDATION THAT THE CITY OF STOCKBRIDGE BE ALLOWED TO DEVELOP A PLAN THAT MEETS CORPS OF ENGINEERS APPROVAL FOR USE OF THE TWO WELLS AT THE REEVES CREEK MITIGATION SITE WHICH IS OWNED BY FAYETTE COUNTY:

Chairman Smith interjected that this item was removed from the agenda.

ADMINISTRATOR'S REPORT:

No reports.

ATTORNEY'S REPORT:

REIMBURSEMENT AGREEMENT BETWEEN FAYETTE COUNTY AND THE PEACHTREE CITY AIRPORT AUTHORITY: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute the Reimbursement Agreement in the amount of $30,000 between Fayette County and the Peachtree City Airport Authority regarding the construction of an access drive to the Lake McIntosh Dam.

Commissioner Frady made a motion to authorize the Chairman to execute the reimbursement agreement between Fayette County and the Peachtree City Airport Authority regarding the construction of an access drive to the Lake

McIntosh Dam. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the Reimbursement Agreement, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

STAFF REPORTS:
No reports.

BOARD REPORTS:
No reports.

EXECUTIVE SESSION: County Attorney Scott Bennett requested an Executive Session to discuss real estate acquisition.

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

REAL ESTATE ACQUISITION: County Attorney Scott Bennett and Consulting Engineer David Jaeger updated the Board on a matter of real estate acquisition.

Chairman Smith reconvened the meeting at this time and stated that a matter of real estate acquisition was discussed in Executive Session.

Commissioner Horgan made a motion to authorize the Chairman to execute an Executive Session Affidavit affirming that real estate acquisition was discussed in Executive Session. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 8:25 p.m.

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 22nd day of October, 2009.

Karen Morley, Chief Deputy Clerk