Minutes

Board of Commissioners
December 10, 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, December 10, 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 Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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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. The motion carried 5-0.

PUBLIC HEARING:

A. CONSIDERATION OF PETITION NO. 1216-09 AND PETITION NO. RP-046-09, JOHN ALAN BELL, OWNER/AGENT, REQUEST TO REZONE LOT 18 OF LAKEVIEW ESTATES CONSISTING OF 1.03 ACRES FROM R-40 TO O-I TO DEVELOP OFFICE INSTITUTIONAL USES AND REQUEST TO CHANGE THE USE OF LOT 18 FROM SINGLE-FAMILY RESIDENTIAL TO OFFICE-INSTITUTIONAL. THIS PROPERTY IS LOCATED IN LAND LOT 127 OF THE 5TH DISTRICT AND FRONTS ON SR 54 WEST:

Director of Community Development Pete Frisina read the rules for rezonings as well as the rezoning request.

John Alan Bell, petitioner for the rezoning request, asked for the Board's consideration to rezone lot 18 of Lakeview Estates consisting of 1.03 acres from R-40 to O-I to develop office institutional. He said by rezoning his lot, it would be

consistent and not doing so would be inconsistent. He said he was asking for the highest and best use of the property and not doing that would deny him that right. He noted that staff had recommended approval again for the second time and remarked that it met the criteria for O-I.

Chairman Smith asked if there was anyone wishing to speak in favor of the petition. Hearing none, he asked if anyone wished to speak in opposition.

Tommy Long said he had lived in Lakeview Subdivision since 1985. He noted that the property in question tonight was only 1.03 acres and did not come close to the intent of 5 plus or minus acres. He asked for the Board's consideration to review all of the facts and deny this rezoning request.

Mrs. Stuart Barnes said she had lived on Lakeview Court for 33 years. She commented on some of the surrounding rezonings in her area. She also asked for the Board's consideration to deny this request.

Carlton Williams said he lived on Lakeview Lane since 1977. He said he was opposed to the rezoning of this petition. He asked for the Board's consideration to deny this rezoning and to retain the integrity of the community.

Mona MacDonald said she lived on Lakeview Lane in Lakeview Estates Subdivision. She said she was appealing to the Board in strong opposition to this rezoning request. She said she was not in favor of a mixed use zoning and if this was allowed, it would change the integrity of the neighborhood. She also felt by increasing business traffic to this already congested area would impact traffic even more. She asked for the Board's consideration to deny this request.

Varner Holmes said she lived on Old Mill Court in Crystal Lakes Subdivision. She asked for the Board's consideration to deny this because of the curb cut as well as the median cut at the same place. She felt the safety issue should be considered as well before someone was seriously injured at the intersection.

Chairman Smith asked if there was any rebuttal time left and Executive Assistant Carol Chandler responded yes.

Mr. Bell remarked that his property was located on the hill and did not appear to be included in this subdivision. He said commercial zoning was already in close proximity. He asked the Board to remain consistent and treat him equal and to approve his rezoning request.

Chairman Smith remarked that this concluded the public comment portion of the public hearing and asked for the Board's pleasure in this matter.

Commissioner Maxwell made a motion to deny Petition No. 1216-09 and Petition No. RP-046-09 as presented. Commissioner Horgan 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. A copy of the Ordinance and Resolution denying Petition No. 1216-09, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

B. CONSIDERATION OF PETITION NO. 1218-09, SOUTHERN PINE PLANTATIONS COMMERCIAL GROUP, LLC, OWNERS, AND SEYFARTH SHAW, LLP, AGENT, REQUEST TO REZONE 27.46 ACRES FROM O-I, A-R, AND C-C TO C-C TO DEVELOP COMMERCIAL USES; AND CONSIDERATION OF PETITION NO. 1219-09, SOUTHERN PINE PLANTATIONS COMMERCIAL GROUP, LLC, OWNERS, AND SEYFARTH SHAW, LLP, AGENT, REQUEST TO REZONE 5.37 ACRES FROM O-I, A-R, AND C-C TO O-I TO DEVELOP OFFICE USES. THIS PROPERTY IS LOCATED IN LAND LOTS 17 AND 18 OF THE 6TH DISTRICT AND FRONTS ON SR 74 SOUTH:

Director of Community Development Pete Frisina read the rezoning request. Chairman Smith remarked that the Board had received a request from the petitioner's attorney requesting to table this item until the Board's public hearing meeting in January, 2010. A copy of the letter, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

Commissioner Frady made a motion to table Petition No. 1218-09 and Petition No. 1219-009 as requested until the Board of Commissioners' meeting on Thursday, January 28th. Commissioner Horgan seconded the motion. The motion carried 5-0.

PUBLIC COMMENT:

BOB ROSS: Bob Ross said he would like to thank Fayette County employees for their service during this year. He said it had been a tough year financially with a lot going on. He said every time he had dealt with a member of staff and County employees he had received outstanding support from them. He said he wanted to publically thank the employees for what they do every day and put in a tough day of work and he wanted to thank them for their contributions and express appreciation for what they do for Fayette County.

CONSENT AGENDA: Commissioner Horgan made a motion to approve the consent agenda items 1-12 as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

TAX ASSESSORS' OFFICE - EXTEND BID #694:

1. Approval of staff's recommendation to extend Bid #694 for Printing and Mailing Services for twelve additional months with the current vendor, Dove Mailing, Inc., for the printing and mailing of assessment forms and notices by the Assessors' Office. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

BOARD OF ASSESSORS - THERESA OCHELTREE REAPPOINTED:

2. Approval of the reappointment of Theresa Ocheltree to the Board of Assessors for a six-year term commencing January 1, 2010 and ending December 31, 2015. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

PLANNING COMMISSION - AL GILBERT REAPPOINTED:

3. Approval of the reappointment of Al Gilbert to the Post 1 seat on the Planning Commission for a three-year term commencing January 1, 2010 and ending December 31, 2012. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

PLANNING COMMISSION - JIM GRAW REAPPOINTED:

4. Approval of the reappointment of Jim Graw to the Post 2 seat on the Planning Commission for a three-year term commencing January 1, 2010 and ending December 31, 2012. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

ZONING BOARD OF APPEALS - BILL BECKWITH REAPPOINTED:

5. Approval of reappointment of Bill Beckwith to the Zoning Board of Appeals for a three year term commencing January 1, 2010 and ending December 31, 2012. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof

BOARD OF HEALTH - LYN REDWOOD REAPPOINTED:

6. Approval of the reappointment of Lyn Redwood to the Board of Health for a four-year term commencing January 1, 2010 and ending December 31, 2013. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof

BOARD OF HEALTH - LYNETTE PETERSON REAPPOINTED:

7. Approval of the reappointment of Lynette Peterson to the Board of Health for a four-year term commencing January 1, 2010 and ending December 31, 2013. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof

VEHICLE REPLACEMENT COMMITTEE'S RECOMMENDATION - NEW HOLLAND TRACTOR, MODEL TC33D:

8. Approval of the Vehicle Replacement Committee's recommendation to replace a New Holland tractor, Model TC33D with a tractor with comparable capabilities, and approval for the Purchasing Department to dispose of the old tractor which is no longer serviceable. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof

FINANCE DEPARTMENT - COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA GRANT:

9. Approval of the Finance Department's request to amend the FY 2010 budget by accepting a $4,665.52 grant from the Council of Juvenile Court Judges of Georgia. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - OVERTIME BUDGET FOR THE CRIMINAL INVESTIGATIONS DIVISION:

10. Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by $2,312.95 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof

ANIMAL CONTROL:

11. Approval of staff's recommendation to increase the FY2010 budget to recognize donations received by Animal Control and to apply $386 of those donations to the Animal Control's van project 9910A to cover cost coverage of County Logo and close project. A copy of the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

MINUTES:

12. Approval of minutes for Board of Commissioners' meeting held on November 12, 2009.

OLD BUSINESS:

C. CONSIDERATION OF STAFF'S RECOMMENDATION TO REDUCE THE COUNTY'S PARTICIPATION IN THE GEORGIA MUNICIPAL ASSOCIATION (GMA) LEASE POOL PROGRAM, INCLUDING THE OUTSTANDING AMOUNT OF CERTIFICATES OF PARTICIPATION AND THE ASSOCIATED INTEREST-RATE SWAP AGREEMENT, BY THE AMOUNT OF THE ACCOUNT BALANCE DETERMINED TO BE "EXCESS FUNDS."

Chief Financial Office Mary Holland discussed this item. She said earlier this year the Board approved staff to reduce the County's participation by over $1 million. She said staff had now received a second notice from the Georgia Municipal Association stating that the County had another amount of excess funds in the amount of $818,000 as of June 1, 2010. She asked for the Board's consideration to approve staff's recommendation to reduce the County's participation

in the Georgia Municipal Association Lease Pool Program, including the outstanding amount of Certificates of Participation and the associated interest-rate swap agreement in the amount of $818,000.

Commissioner Frady made a motion to approve staff's recommendation to reduce the County's participation in the Georgia Municipal Association (GMA) Lease Pool Program, including the outstanding amount of Certificates of Participation and the associated interest-rate swap agreement in the amount of $818,000. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

D. CONSIDERATION OF STAFF'S RECOMMENDATION TO AWARD PROPOSAL # P726 TO PEACH STATE AMBULANCE FOR THE PURCHASE OF THREE AMBULANCES INCLUDING RADIOS AND GRAPHICS AT A TOTAL COST OF $439,230:

Director of Public Safety Allen McCullough discussed this item. He remarked that the three ambulances did meet the criteria for the vehicle replacement schedule. He asked for the Board's consideration to award Proposal #P726 to Peach State Ambulance for the purchase of three ambulances including radios and graphics at a total cost of $439,230.

Commissioner Horgan made a motion to approve staff's recommendation to award Proposal #P726 to Peach State Ambulance for the purchase of three ambulances including radios and graphics at a total cost of $439,230. Commissioner Hearn seconded the motion, discussion followed.

Chief Financial Officer Mary Holland interjected that the approval of the additional funding in the amount of $189,230 which was available in the Vehicle Replacement Fund also needed to be included, since the amount allocated to ambulance replacement in the vehicle replacement fund was $189,230 less than this request.

Commissioner Horgan amended the motion to also include approval of $189,230 additional funding from the Vehicle Replacement Fund. Commissioner Hearn seconded the amended motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

E. CONSIDERATION OF STORMWATER MANAGEMENT DEPARTMENT'S RECOMMENDATION TO AWARD THE PREPARATION OF A STORMWATER UTILITY FEASIBILITY STUDY TO INTEGRATED SCIENCE & ENGINEERING IN THE AMOUNT OF $39,450:

Water System Director Tony Parrott discussed this item. He said the Stormwater Management Department's recommendation was to award the preparation of a stormwater utility feasibility study to low bidder Integrated Science & Engineering in the amount of $39,450. He asked for the Board's consideration to approve this recommendation.

Commissioner Horgan made a motion to approve the Stormwater Management Department's recommendation to award the preparation of a stormwater utility feasibility study to Integrated Science & Engineering in the amount of $39,450. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

NEW BUSINESS:

F. CONSIDERATION OF THE BOARD OF HEALTH'S RECOMMENDATION TO IMPLEMENT A PERMITTING FEE OF $100 FOR MOBILE FOOD CART APPLICATIONS:

Director of Environmental Health Rick Fehr discussed this item. He remarked that with the change in the economy his department was receiving a number of requests to be permitted for a mobile food unit. He noted that three surrounding counties have already adopted a mobile food unit fee. He said on November 17th the Board of Health approved a $100 mobile food unit fee and by State law this fee cannot be instituted until it is approved by the Board of Commissioners. He asked for the Board's consideration to approve this fee.

Commissioner Horgan made a motion to approve the Board of Health's recommendation to implement a permitting fee of $100 for mobile food cart applications. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

G. CONSIDERATION OF A REQUEST FOR ANNEXATION FROM PEACHTREE CITY FOR HYDE INVESTMENTS, LLLP FOR A 48.151 ACRE TRACT. THIS PROPERTY IS LOCATED IN LAND LOT 61 OF THE 7TH DISTRICT NEAR STAGECOACH ROAD:

Director of Community Development Pete Frisina discussed this request for annexation from Peachtree City. He said this annexation did fit into the Land Use Plan as the County has the land use for rural/residential which was a two to three acre density per single-family dwelling and it was also adjacent to some property along Spear Road that was zoned R-72 which was a two acre minimum zoning. He said he was before the Board tonight to determine if the Board wanted to object to the request or not object.

After a brief discussion, Chairman Smith remarked that the Board had no legal basis for objection to the request and no action was taken.

H. CONSIDERATION OF THE WATER COMMITTEE'S RECOMMENDATION THAT THE BID FOR THE CONSTRUCTION OF THE LAKE MCINTOSH WATER RESERVOIR PROJECT BE AWARDED TO BRAD COLE CONSTRUCTION IN THE AMOUNT OF $8,233,255.12:

Water System Director Tony Parrott discussed this item. He asked for the Board's consideration to award the bid for the construction of the Lake McIntosh Water Reservoir project to Brad Cole Construction in the amount of $8,233,255.12.

Commissioner Frady made a motion to approve the Water Committee's recommendation that the bid for the construction of the Lake McIntosh water reservoir project be awarded to Brad Cole Construction in the amount of $8,233,255.12 including alternative 8. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

I. DISCUSSION OF PROPOSED SPECIAL LOCAL LEGISLATION CONCERNING SUPERIOR COURT JUDGES IN THE GRIFFIN JUDICIAL CIRCUIT:

Commissioner Maxwell requested this item be removed from the agenda.

J. CONSIDERATION OF STAFF'S REQUEST TO PROCEED WITH REPAIRS TO A SPECIFIED PORTION OF FOUNDATION AND WALL(S) AT THE FAYETTE COUNTY JAIL:

Major Charlie Cowart of the Sheriff's Office discussed this item. He said Mallett Consulting, Inc. had recommended the geotechnical firm of Nova Engineering and the results indicated that the soil underneath the slab had consolidated and was settling. He pointed out that this situation had been ongoing for approximately one year and had steadily gotten worse. He asked for the Board's consideration to approve staff's request to proceed with these repairs to a specified portion of foundation at the jail not to exceed $161,800.

Commissioner Horgan made a motion to approve staff's request to proceed with repairs to a specified portion of foundation and wall(s) at the Fayette County Jail not to exceed $161,800 with said funds to come from the contingency fund. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT:
STAFF PROMOTIONS: County Administrator Jack Krakeel announced the promotion of two individuals to positions of Department Directors. He remarked that Vanessa Birrell was promoted to the Director of Stormwater Management and Fred Sisson was promoted to the Director of Animal Control.

REQUEST FROM THE TOWN OF TYRONE: County Administrator Jack Krakeel remarked that he had received a request from the Town of Tyrone regarding certain improvements to Valleywood Road with most improvements consisting of improvement of the drainage along Valleywood Road. He said staff had met with the Town's staff and they had reviewed the issues and had prepared a recommendation. He said the Town was requesting that the County conduct all work associated with this including the development of any plans and engineering work that would be required. He remarked staff was of the opinion that there were significant issues associated with the grading of this roadway and were requesting that the Town conduct those engineering studies and the County could certainly conduct the work subsequent to receiving those studies.

There was a consensus of the Board to proceed.

ATTORNEY'S REPORT:
None.

STAFF REPORTS:
None.

BOARD REPORTS:
None.

EXECUTIVE SESSION: County Attorney Scott Bennett requested an Executive Session to discuss litigation.

Commissioner Frady made a motion to adjourn to Executive Session to discuss litigation. Commissioner Horgan seconded the motion. The motion carried 5-0.

Commissioner Hearn made a motion to adjourn the Executive Session and return to open session. Commissioner Horgan seconded the motion. The motion carried 5-0.

Chairman Smith called the meeting back to order and said that litigation had been discussed.

Commissioner Hearn made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that litigation had been 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.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 8:43 p.m.

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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 6th day of January, 2010.

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Karen Morley, Chief Deputy Clerk