



Action Agenda

Board of Commissioners
January 13, 2011
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, January 13, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Herb Frady, Chairman
Robert Horgan, Vice Chairman
Steve Brown
Lee Hearn
Allen McCarty

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Frady called for a moment of silence to remember and pray for the victims in the Arizona shooting.
Chairman Frady called the meeting to order.
Commissioner Hearn offered the Invocation.
David Studdard led the Pledge of Allegiance.

ACCEPTANCE OF AGENDA: County Administrator Jack Krakeel asked for consideration to amend the agenda tonight to include a request that he had received earlier today from Ms. Denise Blanton who is the District IV Health Services Nutrition Manger for the Fayette County W.I.C. Program. He remarked that the purpose of the discussion would be to address her request to the Board for extension of facility hours.

Commissioner Horgan made a motion to accept the agenda as presented including the item requested by Mr. Krakeel. Commissioner McCarty seconded the motion, discussion followed.

Commissioner Brown stated that he was in favor of twenty-four hour notice on additional items for the agenda unless it was an emergency. He said this was a legitimate emergency and noted that the W.I.C. office had to close its doors due to an act of God and the inclement weather. He said a lot of mothers must get the vouchers and certificates in a timely fashion and it was crucial that they not be shorted on food and formula.

The motion carried 5-0.

PUBLIC HEARING:

1. Consideration of Petition No. RP-049-10, Wendy K. Peterson, Owner/Agent, request a revision of the recorded plat for Woods Edge at Timber Lake, Phase I, to subdivide Lot 140 into two (2) single-family dwelling lots. This property is located in Land Lots 20 and 21 of the 6th District, fronts on Brown's Crossing Drive, and is zoned PUD-PRD.

Commissioner Horgan made a motion to approve Petition No. RP-049-10 as presented. Commissioner Hearn seconded the motion, discussion followed.

Commissioner Brown felt this would set a precedent for subdividing lots in subdivisions. He said he had also taken a pledge when he took oath to support lower density.

The motion carried 4-1 with Commissioner Brown voting in opposition.

2. Consideration of a Resolution to approve and transmit the "Fayette County 2010 Annual Report on Fire Services Impact Fees (FY 2010), including the Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY 2011-FY 2015).

Commissioner Horgan made a motion to approve and transmit the "Fayette County 2010 Annual Report on Fire Services Impact Fees for FY2010, including the Comprehensive Plan Amendments for updates to the Capital Improvements Element and Short-Term Work Program for FY2011-FY2015" and authorization for the Chairman to execute Resolution No. 2011-03 for submission to the Atlanta Regional Commission. Commissioner Brown seconded the motion. The motion carried 5-0.

PUBLIC COMMENT:

Robert Ross: Robert Ross voiced opposition to Resolution No. 2010-22 proposing amendments to local legislation relative to the Board of Elections that was adopted by the Board on December 9, 2010. He said this Resolution required that political party nominees to the County Elections Board be subject to confirmation by the Board of Commissioners.

David Wimmer: David Wimmer commented on the East Fayetteville Bypass project. He noted that his background was in transportation and that he would be presenting the Board with additional information at the January 27th Board meeting.

Steve Smithfield: Steve Smithfield said it was his New Year's resolution to follow up on questions relating to open government that he felt needed some answers. He said he would be sending e-mails to various Commissioners requesting a short concise written reply. He said the questions would relate to issues that he believe prevent open government in Fayette County.

David Studdard: David Studdard commented on Resolution No. 2010-22 relating to amendment of local legislation relative to the Board of Elections. He remarked that he was Chairman of the Fayette County Republican Party and also a member of the Board of Elections. He said this Resolution was viewed as overreaching and he asked for the Board's consideration to rescind the Resolution.

Andrea Lyle: Andrea Lyle said she felt the Board of Commissioners was not in touch with the citizens of Fayette County when it comes to matters such as the West Fayetteville Bypass and the East Fayetteville Bypass and the unnecessary spending of taxpayers' dollars.

Paul Parchert: Paul Parchert said he wanted to remind the new members of the Fayette County Commission of their campaign pledges and trust that they were men of honor and would honor those pledges to the best of their ability. He remarked that the three remaining commissioners would be gone in two years if they did not start listening to the citizens of Fayette County.

Gordon Furr: Gordon Furr commented on the West Fayetteville Bypass and said he considered it a waste of money. He also remarked that community sewer systems would bring high density. He asked the Board to keep the rural character of Fayette County and also keep the water drinkable.

David Barlow: David Barlow said he would like to make a comment about County Attorney Scott Bennett. He said it was his understanding that the County Attorney issued a comment to Robert Ross that Henry County was how Fayette County was going to run a particular election. He said Robert Ross had verified that this comment was false. He said he did not want that kind of counsel representing Fayette County.

Scott Bennett: County Attorney Scott Bennett said he had made the statement regarding the Henry County Board of Elections and he stood by that comment. He remarked that Georgia Laws 1995, Volume 2 page 4198 originated in Senate Bill No. 95-402. He said this was the creation of the Henry County Board of Elections. He read this Bill into the record. He said he had not given out false information. He said he had been asked to draw up the ordinance in the manner that it was drawn. He said he did not choose that method nor does he make decisions for the Board.

CONSENT AGENDA: Commissioner Horgan made a motion to approve consent agenda items 3-10 as presented. Commissioner Hearn seconded the motion, discussion followed.

Commissioner Brown questioned item #3 if it had been discussed previously by the Board. County Attorney Scott Bennett replied that this was merely for re-codification purposes. Commissioner Brown asked if items #4, 5 and 6 would involve spending for the West Fayetteville Bypass. Mr. Krakeel responded that it was his understanding that these three items did reflect an annual contract in which the County would be procuring asphalt, milling services and concrete work for all projects including potential S.P.L.O.S.T. projects. Commissioner Brown said he was in favor of constructing the number one priority on the S.P.L.O.S.T. that was not constructed which was the East Fayetteville Bypass. He said he would be voting against the consent agenda because it would be a movement toward construction of the West Fayetteville Bypass which was a lower priority.

The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code.
4. Approval of staff's recommendation to award annual Bid #768 to two vendors, E.R. Snell Contracting, Inc. and C.W. Matthews, Inc. of Tyrone as primary and secondary vendors for various types of asphalt products to be used in paving and resurfacing projects in an annual amount not to exceed \$2,600,000.
5. Approval of staff's recommendation to award Bid #769 to Atlanta Paving and Concrete Construction for asphalt milling services for various road maintenance projects in an annual amount not to exceed \$75,000.
6. Approval of staff's recommendation to award Bid #776 to Seaco, Inc. as the primary vendor for Liquid Asphalt Emulsion to be used in resurfacing projects in an amount not to exceed \$45,000.

7. Approval of Water Committee's recommendation to continue the Metropolitan North Georgia Planning District Toilet Rebate Program with an additional \$22,000 for funding.
8. Approval of staff's request to accept \$122 from the Health Department as reimbursement for the cost of materials for construction of a counter by the Building and Grounds Maintenance Department staff.
9. Approval of staff's request for \$25,000 in funding from the County's Contingency Fund as an amendment to the Road Department's FY 2011 Budget for repairs to a Road Department loader.
10. Approval of staff's request to transfer funds in the amount of \$144,045 from the Special Purpose Local Option Sales Tax Fund Account as an amendment to the Water System's FY 2011 Budget to pay for a waterline relocation resulting from SPLOST Project 1-20, known as intersection improvements at State Route 92 and Hilo Road.

NEW BUSINESS:

Request received by County Administrator Jack Krakeel regarding the W.I.C. office request for consideration to extend their facility hours of operation.

County Administrator Jack Krakeel asked for consideration to approve a request that he had received earlier today from Ms. Denise Blanton who is the District IV Health Services Nutrition Manger for the Fayette County W.I.C. Program to extend the facility hours. He said with the weather closing the Health Department for three days, there was a backlog of clients that needed to be accommodated in order to fulfill the program requirements including initiation of vouchers for the procurement of formula and other items of nutrition associated with infants and children. He said the request was to extend the hours of operation for the W.I.C. Program from 5:00 p.m. to 7:00 p.m. for the balance of the month of January. He said this did not represent an expenditure of funds on behalf of Fayette County other than lighting. He was assured that Ms. Blanton would be on site from a supervisory perspective to ensure the County facility was maintained appropriately.

Commissioner Horgan made a motion to approve the request of the W.I.C. office for extension of facility hours from 5:00 p.m. to 7:00 p.m. for the remainder of the month of January, 2011. Commissioner Hearn seconded the motion, discussion followed. The motion carried 5-0.

OLD BUSINESS:

11. Consideration of Resolution No. 2011-02 regarding amendments to local legislation governing Fayette County's Magistrate Court.

Commissioner Horgan made a motion to adopt Resolution No. 2011-02 and to authorize the County Attorney to proceed with development of legislation amending the local legislation governing Fayette County's Magistrate Court to be introduced in the General Assembly. Commissioner Hearn seconded the motion. Commissioner Brown clarified that the documents to be forwarded include the latest version of The Bill to Be Enacted given to the Board this evening and not the one included in the publicized meeting package. Commissioners Horgan and Hearn agreed to amend their motion and second accordingly. The motion carried 5-0.

12. Consideration of staff's recommendation to award Proposal #P774 Library Expansion Construction to Trammel-Horton Contracting, LLC., in the amount of \$715,000 and authorization for the Chairman to execute the contract upon approval of the County Attorney.

Commissioner Horgan made a motion to approve staff's recommendation to award Proposal #P774 Library Expansion Construction to Trammel-Horton Contracting, LLC. In the amount of \$715,000; authorize the County Administrator to sign off on change orders within his legal threshold up to 5% of the amount which was \$35,750; and authorization for the Chairman to execute the contract upon approval of the County Attorney. Commissioner Hearn seconded the motion. The motion carried 5-0.

Chairman Frady asked if there was any further business to come before the Board.

COUNTY ADMINISTRATOR JACK KRAKEEL: County Administrator Jack Krakeel requested an Executive Session to discuss real estate acquisition.

COMMISSIONER BROWN: Commissioner Brown remarked that because of the inclement weather that we have experienced, the Red Cross was in desperate need of all types of blood. He encourage everyone to contact neighbors and friends and have them contact the Red Cross at 1-800-RedCross to give blood.

Chairman Frady remarked that the Board would now adjourn to Executive Session to discuss real estate acquisition.

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

Chairman Frady reconvened the meeting and stated that staff had presented the Board with an item of land acquisition and the Board directed staff for the proper course to take.

Commissioner Hearn made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that real estate acquisition was discussed in Executive Session. Commissioner Horgan seconded the motion. The motion carried 5-0.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Frady adjourned the meeting at 9:33 p.m.

Karen Morley, Chief Deputy Clerk