



BOARD OF COMMISSIONERS

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



STAFF

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



MEETING LOCATION

Public Meeting Room
Administrative Complex
140 Stonewall Avenue
Fayetteville, GA 30214



MEETING TIMES

2nd and 4th Thursday each month 7:00 pm



COMMISSION OFFICE

Administrative Complex
Suite 100
140 Stonewall Avenue
Fayetteville, GA 30214
Phone: 770.305.5200
Fax: 770.305.5210



WEB SITE

www.fayettecountyga.gov



E-MAIL

administration@fayettecountyga.gov

Action Agenda

Board of Commissioners

April 28, 2011

7:00 P.M.

Chairman Frady 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.

PRESENTATION/RECOGNITION:

1. Presentation of the Heartsaver Award by the American Heart Association representative Mike Willingham to Russell Sharpe, Denise Clayburn, Matt Myers, Michael Nations, David Winkles and Jonathan Kempler for saving the life of Mr. Mike Aquino on January 31, 2011.

Public Safety Director Allen McCullough and representatives of the American Heart Association which included Kimberly Lambert and Madison Campbell presented the Heartsaver Award to Fayette County Firefighter/EMT Russell Sharpe, Piedmont Fayette Hospital Registered Nurse Denise Clayburn, Peachtree City Police Officer Matt Myers and Sandy Springs Firefighter/EMT Michael Nations. Mike Aquino, who suffered the cardiac arrest, explained what had occurred at the Peachtree City World Gym. Mr. Aquino said whatever honor these individuals receive, they deserve in his heart.

PUBLIC HEARING:

2. Consideration of Petition No. 1221-11, Storage Xtra Hwy. 85, LLC., Owner, and Fred Rickman, Jr., Agent, request to rezone 18.139 acres from M-1 to PUD-PSBC to allow a mixture of uses within the O-I, C-C, C-H, and M-1 zoning districts. This property is located in Land Lot 200 of the 5th District and fronts on SR 85 North.

Commissioner Horgan made a motion to approve Petition No. 1221-11 to rezone 18.139 acres from M-1 to PUD-PSBC to allow a mixture of uses within the O-I, C-C C-H and M-1 zoning districts. Commissioner McCarty seconded the motion. The motion carried 5-0.

3. Consideration of the Packaged Beer and Wine Sales License for RaceTrac Petroleum, Inc. d/b/a RaceTrac #192, 897 Highway 85 South, Fayetteville, Georgia, RaceTrac Petroleum, Inc., Owner, and Gabriel G. Wallace, Corporate Agent/Applicant. This property is located in Land Lot 70 of the 5th District, fronts Ramah Road and SR 85 South, and is zoned C-H. This is for a New Location.

Commissioner Horgan made a motion to approve the Packaged Beer and Wine Sales License for RaceTrac Petroleum, Inc. d/b/a RaceTrac #192, 897 Highway 85 South, Fayetteville, Georgia, RaceTrac Petroleum, Inc., Owner, and Gabriel G. Wallace, Corporate Agent/Applicant. Commissioner Hearn seconded the motion. The motion carried 5-0.

PUBLIC COMMENT:

David Hall: David Hall expressed his displeasure with the Board's response to an e-mail that he had sent regarding continued construction of the West Fayetteville Bypass. He said the citizens of this County were the majority and the Board would know this in the next election. He said he was thankful that Commissioner Brown and Commissioner McCarty were members of this Board.

Steve Smithfield: Steve Smithfield said he was astonished when he heard that Commissioner Lee Hearn had nominated his cousin to the serve on the Board of Elections and did not admit this fact until a later date. He felt there was so much negativity in the public regarding this nomination that the Board should make a motion to remove Mr. Lester from the Board of Elections. He also commented on several situations that he was aware of involving property owners and their property being condemned as a result of the West Fayetteville Bypass.

Josh Bloom: Josh Bloom commented on several issues that were of concern to him and several friends including the West Fayetteville Bypass, mass transit, and the appointment of a relative to the Board of Elections. He said he had never attended a Board of Commissioners meeting until tonight but he felt compelled to come. He said there was a great deal of worry and resentment about the direction that the Board is taking the County.

Bob Ross: Bob Ross commented on a Marine promotional which is Trust, Respect and Honor–Earned–Never Given. He commented on the last meeting of the Board of Commissioners in December 2010 when Chairman Smith denied two newly elected and sworn in Commissioners to sit in an Executive Session. He said Chairman Frady, Commissioner Horgan and Commissioner Hearn did not do the right thing and ask the newly sworn in Commissioners to sit in on this meeting. He said those Commissioners sat mute–See No Evil, Speak No Evil, Hear No Evil. He commented on the construction of the West Fayetteville Bypass as well as the projects listed on the SPLOST. He also commented on the appointment made to the Board of Elections. He said the public speaking out now was not the same public speaking out during the years of the previous Board. He said until Chairman Frady, Commissioner Horgan and Commissioner Hearn live up to the promise made by the two new Commissioners who said when they were sworn in that they would look to earn the respect of every citizen in the County rather than demand it, he and many others would continue to come to the Thursday evening Commission meetings.

Denise Ognio: Denise Ognio remarked on David Hall's comments and pointed out to the Board that David's concerns were very strong and that was the reason he continued to speak out at the Board meetings. She said she also agreed with another gentlemen who mentioned that he would rather be at home with his family than at this meeting. She also urged Commissioner Hearn to do the right thing regarding the appointment to the Board of Elections.

Tom Waller: Tom Waller said he wanted to express his concern about the loss of the County Extension Agent in the University of Georgia Cooperative Extension Office here at the complex. He felt this would be a great loss to the County.

CONSENT AGENDA: Commissioner Brown requested Item # 6 be removed for discussion and the Board agreed with his request. Commissioner Horgan made a motion to approve consent agenda items 4 - 13 with the exception of item #6 as presented. Commissioner McCarty seconded the motion. The motion carried 5-0.

4. Approval of staff's recommendation that the County renew its annual Agreement with the University of Georgia for the provision of Extension Office Programs in Fayette County for a period beginning July 1, 2010 through June 30, 2012; and authorization for the Chairman to execute said agreement.
5. Approval to transfer \$4,502 from the County's Contingency Fund to Elections Department budget to cover the balance of the cost of repairs to voting equipment; and approval to purchase two AccuVote-OS Optical Scanners at a cost of \$1,940, for a total request for funds from the Contingency Fund of \$6,442.00
6. Approval of staff's recommendation to enter into an agreement with Mill Creek Environmental Services, Inc. (MCES) to conduct quarterly groundwater monitoring as required by the Georgia Environmental Protection Division, at a quarterly cost of \$3,859; and authorization for the Chairman to execute said agreement pending approval of the County Attorney.

Commissioner Brown made a motion to approve staff's recommendation to enter into an agreement with Mill Creek Environmental Services, Inc. (MCES) to conduct quarterly groundwater monitoring as required by Georgia Environmental Protection Division, at a quarterly cost of \$3,859; and authorization for the Chairman to execute said agreement pending approval of the County Attorney. Commissioner McCarty seconded the motion. The motion carried 5-0.

7. Approval for the Chairman to execute any and all required documents associated with the annual renewal and implementation of options for Employee Health Care Benefits, including but not limited to agreements and contracts, for the benefits year which begins June 1, 2011.
8. Approval of a Resolution to adopt the "Fayette County 2010 Annual Report on Fire Services Impact Fee (FY2010), including Comprehensive Plan amendments for updates to the Capital Improvement Element and Short-Term Work Program (FY2011-FY2015.)"
9. Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by \$4,087.54 for reimbursement for employees assigned to work with various Federal Agencies.
10. Approval of the Sheriff's Office request to amend the State Confiscated Revenue Technical Services Revenue Account by \$40.00 to recognize abandoned monies which have been ordered retained for law enforcement enhancement.
11. Approval to authorize the Sheriff to dispose of three vehicles for the purpose of acquiring one replacement vehicle; and authorization for the Chairman to execute all necessary paperwork for the disposition of the vehicles and the acquisition of the replacement vehicle, using Federal Seizure Funds for any balance due.
12. Approval of staff's request for authorization to insert a flyer from The Frederick Brown, Jr. Amphitheater in the water bills to be mailed out during the month of May.
13. Approval of the April 6, 2011 Board of Commissioners Workshop Minutes and the April 14, 2011 Board of Commissioners Minutes.

OLD BUSINESS:

14. Further discussion of a request from the Physical Health Department for additional cleaning services and costs associated with providing space and ancillary services to that agency.

County Administrator Jack Krakeel briefed the Board on this matter. After some discussion, Commissioner Horgan made a motion to authorize the County Administrator to send a new agreement to WIC and the Board of Health as far as having them in the County's facility as well as working with the Board of Health to receive the \$700 for the additional janitorial cleaning of the facility. Commissioner Hearn seconded the motion. Discussion followed.

Commissioner Brown asked if the motion should include the portion of the contract in terms of recovering the utilities and things of that nature.

County Administrator Jack Krakeel said he had some concerns about the part of the motion regarding recovery of the \$700 per month from the Board of Health for cleaning services. He felt some additional thought should go into this.

Commissioner Horgan said he would amend his motion to at least provide a new contract for WIC in the facility to regain services as far as utilities and recapture that. He said he agreed that this should be discussed further. Commissioner Hearn said he would amend his second to the motion.

Commissioner Brown said if the adjustments were made to the contract for the reimbursables and the contract was executed, was the County now responsible for keeping WIC in this facility for another 12 months.

Mr. Krakeel replied yes, if the contract was approved, but there was nothing that would preclude the cancellation of the contract and that would require 60 days notice. He said that would apply to both parties. He said the cleaning issue was a Board of Health issue. He said WIC was just one program that was co-located in their facility.

Chairman Frady asked if he would need to sign this agreement and Mr. Krakeel remarked that the prior contract had been signed by Commissioner Horgan, but he felt it appropriate for the Chairman or Commissioner Horgan to sign the contract.

The motion carried 5-0.

15. Approval of staff's recommendation that the Strategic Technology and Risk Assessment Plan developed by LBL Technology Partners be accepted by the County as the basis for the County's five-year plan identifying future technology initiatives and the reduction of risks associated with the County's technology systems.

Information Systems Director Russell Prince and Consultant Brad Lyons of LBL Technology Partners discussed and presented the Board with a Strategic Technology and Risk Assessment Plan developed by LBL Technology Partners. Mr. Prince asked for the Board's consideration to adopt the Strategic Technology Plan and Risk Assessment documents as a five-year plan for future technology initiatives.

Commissioner Brown made a motion to approve staff's recommendation that the Strategic Technology and Risk Assessment Plan developed by LBL Technology Partners be accepted by the County as the basis for the County's five-year plan identifying future technology initiatives and the reduction of risks associated with the County's technology systems. Commissioner Horgan seconded the motion. The motion carried 5-0.

NEW BUSINESS:

16. Steve Vaughn with GEBCorp will present the annual valuation report on the County's defined benefit retirement plan.

Steve Vaughn, representing GEBCorp presented the Board with the annual valuation report regarding the County's defined benefit retirement plan. He remarked that the County was in excellent shape and 100% funded.

17. Consideration of preferred provider agreements under the County's employee health care plan that will address sleep disorder diagnostics and associated durable medical equipment as well as digestive healthcare procedures.

Human Resources Director Connie Boehnke and Jaki Turner representing Pacific General discussed this issue with the Board.

Commissioner Horgan made a motion to approve the contracts with Total Sleep Diagnostics, Inc. and Trusted Life Care, Inc. and authorize the Chairman to execute the contracts pending review of the County Attorney. Commissioner McCarty seconded the motion. The motion carried 5-0.

Commissioner Horgan made a motion to approve the contract with Summit Endoscopy Center and authorize the Chairman to execute the contract pending review of the County Attorney. Commissioner McCarty seconded the motion. The motion carried 5-0.

18. Consideration of proposed Amendment to the County's Flexible Benefits Plan as required by the Patient Protection and Affordable Care Act of 2010.

Human Resources Director Connie Boehnke and Jaki Turner representing Pacific General discussed this issue with the Board.

Commissioner Horgan made a motion to approve the amendment to the County's Flexible Benefits Plan as required by the Patient Protection and Affordable Care Act of 2010 and authorize the Chairman to execute any and all necessary documentation pending review by the County Attorney. Commissioner Brown seconded the motion. The motion carried 5-0.

ADMINISTRATOR'S REPORTS:

Report on Storm Damage in Georgia: County Administrator Jack Krakeel reported on the utter degree of devastation that had occurred across the Southeast. He remarked that Fayette County, very fortunately, escaped the wrath of these storms. He noted that County crews were busy throughout the night including the Public Works crews who removed trees from roadways. He noted that there were two fatalities in Spalding County as a result of this storm as well as major, major damage in that County. He said Fayette County Emergency Services had responded to Spalding County to assist them with this damage and also Fayette County Public Works employees had responded with several pieces

of equipment to help clear roadways. He noted that individuals from the Fayette County Building Department had also assisted Spalding County with damage assessment of structures.

COMMISSIONERS REPORTS:

Chairman Frady: Chairman Frady asked Commissioner Brown if there was any update on the library situation. Commissioner Brown responded that there was nothing the County could do to make changes because the State had frozen everything. He said he was continuing to collect data on this matter and noted that the County was very limited in terms of options.

Commissioner Brown: Commissioner Brown said he wanted to also comment on the recent storm and noted concern with the Emergency Command Center being located on the second floor of the Administrative Complex which was essentially a retail structure and not built to any specific standards. He said the command operations room had a wall of solid glass leading out to a parking lot. He said this was less than ideal in terms of what needed to be provided. He said this was something that would definitely need to be addressed.

Chairman Frady remarked there were already plans drawn up to build that particular building. County Administrator Jack Krakeel said well over ten years ago when he was the Public Safety Director he had identified the need for an emergency services facility that could sustain all different types of weather events that the County might witness. He said this was strictly an issue of funding. He said the plans were there and the design was there but it was simply a matter of coming up with the necessary funding. He said the County already had the property and in this year's budget funding was requested and he had concurred with improving the issue of the glass walls currently in Emergency Services.

Commissioner McCarty: Commissioner McCarty said he wanted to comment on a couple of things that add to making someone proud to live in Fayette County and to be part of what happens here. He said one was the article in the Fayette County News stating that Fayette County was named "Georgia's Healthiest County" and he felt this was tremendous. He said another one was in the Georgia County Magazine stated that Fayette County sets the bar for South metro quality of life. He also commented on some Georgia trivia. He noted that in the late 1880's Matthew Yates found some strange apples growing near a creek bank and he started to cultivate those apples. He said at one time many hundreds of acres of land in the Sandy Creek area were covered in Yates apple trees. He said these apples were in as much demand today as they were in the early 1900's. He said the only known tree left of the original orchard and that was on property located near Coleman's Corner at Westbridge Road and Highway 92.

Commissioner Hearn: Commissioner Hearn said he wanted to comment on the Elections Board and the make up of that Board. He noted that David Studdard who is currently a member of the Elections Board is married to an elected official who is Clerk of the Superior Court Sheila Studdard. He said to his knowledge there have been no problems and no conflicts of interest and no protests and not one single eyebrow has been raised as a result of that relationship. He felt some of the comments that had been made were obviously attacks and that would go with the territory. He said the people who had attacked him regarding this issue were half as diligent about looking at other issues as it relates to the Elections Board, that it would add some credence to their motives.

EXECUTIVE SESSION: County Administrator Jack Krakeel requested an Executive Session to discuss litigation and real estate matter.

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

Chairman Frady reconvened the public meeting back to open session.

Chairman Frady remarked that the Board had discussed litigation and real estate matters and staff was given direction in both instances.

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

ADJOURNMENT: Commissioner Brown made a motion to adjourn the meeting at 9:51 p.m. Commissioner McCarty seconded the motion. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk