



Action Agenda

Board of Commissioners
September 7, 2011
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on September 7, 2011, at 3:30 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
Floyd Jones, Chief Deputy Clerk
Karen Morley, Chief Deputy Clerk

Call to Order.

Chairman Frady called the September 7, 2011 Workshop Meeting to order at 3:33 p.m.

Acceptance of Agenda.

Commissioner Brown moved to remove all agenda items that were "up for a vote by the Board", for those removed agenda items to be heard at the next regularly scheduled Thursday meeting, and to accept the remainder of the agenda as published. Commissioner McCarty seconded the motion. The motion failed 2-3 with Chairman Frady, Vice-Chairman Horgan, and Commissioner Hearn voting in opposition.

Commissioner Hearn moved to accept the agenda as published. Commissioner Horgan seconded the motion. The motion passed 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

PRESENTATION / RECOGNITION:

1. Proclamation recognizing September 17-23, 2011 as "Constitution Week in Fayette County".

The Board recognized the week of September 17-23, 2011 as "Constitution Week in Fayette County." Chairwoman Bebe Moore gave the Board a Certificate of Appreciation on behalf of the Daughters of the American Revolution.

PUBLIC COMMENT:

Maria Kachadurian: Ms. Maria Kachadurian spoke about the approval process that took place resulting in SCI's authorization to build a cell tower on Crabapple Road, and how she thought the approval process did not comply with the County's tower ordinance that was in place at the time. She thought the approval should be overturned in favor of Highwood Towers who followed the proper procedure in filing with Fayette County. She asked the Board to review the situation and stop the construction of the cell tower currently being built on Crabapple Road.

Matt Allen: Mr. Matt Allen said that while he had all the respect for the Planning and Zoning Department's staff, it was "clear and undisputable that a mistake was made" since the current cell tower ordinance states that the FAA Certificate "must be in prior to submittal." He said by allowing someone to proceed, who does not have a FAA Certificate, the County was awarding the work to someone who is intentionally not complying with its ordinance. He continued that information on the approved application was materially incorrect, and if the information provided had been correct, it would not have been eligible for administrative approval.

Tom Waller: Mr. Tom Waller chose not to speak during Public Comment.

Steve Smithfield: Mr. Steve Smithfield noted that the current meeting was a combined meeting due to the proximity of the meeting days. He acknowledged that combining the two meetings days into one was "a good thing" since it was more efficient, but that it denied those citizens who work from being at the meeting, to submit public comments, and to participate in the meeting. He said it was very difficult to get off work in the early afternoon, and he hoped the Board would consider this issue in order to get more people participating in their local government.

David Hall: Mr. David Hall said the U.S. Constitution provides rights to the people, and that they should not be construed to make it hard for citizens to access the government. He spoke of the new ordinance requiring citizens to sign up to speak before a meeting begins, and he disagreed with that requirement since those who are at work are not able to get to meetings on time to sign the Public Comment Registration Form. He reminded the Board that during its last meeting, it allowed someone to speak during Public Comment despite that person being late and not registering to speak on time. He said the Board's action was "illegal", but it was the right thing to do. He asked the Board to stop enforcing the new requirement because it violates the Eighth Amendment of the Constitution.

CONSENT:

Commissioner Brown asked to remove Consent Agenda Items 3, 4, 5, 6 and 7.

Commissioner Horgan moved to approve Consent Agenda Items 2-11 excluding Consent Agenda Items 3, 4, 5, 6 and 7. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

2. **Approval of staff's request to replace two Stihl blowers and one Stihl trimmer, and to purchase the equipment from the low-bidder, Campbell's Equipment and Hardware, at an aggregate cost of \$1,105.88, utilizing Contingency Funds.**
3. **Approval of staff's recommendation to approve final supplemental budget adjustments and the closing of completed projects for the fiscal year ended June 30, 2011.**

Commissioner Brown moved to approve Consent Agenda Item 3. Commissioner McCarty seconded the motion. The motion passed unanimously.

4. Consideration of staff's recommendation to grant two five-year renewal terms to Waste Management as allowed in the current Transfer Station Operating Agreement.

Commissioner Horgan moved to approve Consent Agenda Item 4. Commissioner Hearn seconded the motion. The motion passed 4-1 with Commissioner Brown voting in opposition.

5. Approval of the Water Committee's recommendation that Mallet Consulting, Inc. be authorized to prepare a bid package, including drawings and specifications; and to solicit bids for developing the recreation area at Lake McIntosh.

Commissioner Horgan moved to approve Consent Agenda Item 5. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

6. Approval of staff's recommendation to authorize Goforth Williamson, Inc. to repair Raw Water Motor and Pump #3 at Lake Horton at a cost of \$25,653.00.

Commissioner Horgan moved to approve Consent Agenda Item 6. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

7. Approval of staff's recommendation to extend Chemical Bid #718, for an additional twelve months, to three companies that are low-bidders for chemicals used by the Fayette County Water System for water treatment.

Commissioner Horgan moved to approve Consent Agenda Item 7. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

8. Approval of staff's recommendation to award Chemical Bid #791, for twelve months, to four companies who were low-bidders for chemicals used by the Water System for water treatment.

9. Approval of the Water Committee's recommendation to insert an informational flyer into customers' water bills informing them of upcoming changes to the Toilet Rebate Program.

10. Approval of the Water Committee's recommendation to terminate the Memorandum of Understanding, between Fayette County and Peachtree City, that permits the city's Dive Team to train at Lake Kedron and Lake Horton.

11. Approval of the August 18, 2011 Special Called Meeting Minutes.

OLD BUSINESS:

12. Approval of staff's request for authorization to purchase desktop computers, laptops, and printers as part of the Strategic Technology Plan's Computer Replacement Schedule, with said purchases to come from Georgia's State Contracts for both Hewlett Packard and Dell products, in an amount not to exceed \$171,090.

Commissioner Brown moved to approve staff's request for authorization to purchase desktop computers, laptops, and printers as part of the Strategic Technology Plan's Computer Replacement Schedule, with said purchases to come from Georgia's State Contracts for both Hewlett Packard and Dell products, in an amount not to exceed \$171,090. Commissioner McCarty seconded the motion. The motion passed unanimously.

NEW BUSINESS:

13. Consideration of staff's request for direction on how to proceed with updating the Fayette County Parks and Recreation Needs Assessment.

The Board provided direction on how to proceed with updating the Fayette County Parks and Recreation Need Assessment.

Commissioner Hearn moved to authorize expenditures up to \$7,000 from existing CIP Account P7005 to begin Phase I of the Fayette County Parks and Recreation Needs Assessment. Commissioner Horgan seconded the motion. The motion passed unanimously.

14. Mr. Brandt Herndon, President and CEO of the Fayette County Development Authority, will provide a year-end report of the Authority's Fiscal Year 2011.

The Board took no action and gave no direction concerning this request.

15. Consideration of a request from Commissioner Brown to discuss the County's Zoning Ordinance as it relates to cell tower regulations.

Commissioner Brown spoke of several areas of concern, and he gave some suggestions pertaining to the current Zoning Ordinance as it relates to cell tower regulations. The Board directed staff to consult the Planning Commission about the issues and to return to the October 5, 2011 Board of Commissioners Workshop meeting with recommendations.

ADMINISTRATOR'S REPORTS

Steve Widener's Resignation from the Fayette County Hospital Authority: County Administrator Jack Krakeel informed the Board that Mr. Steve Widener, a member of the Piedmont Fayette Hospital Authority, has resigned from the Hospital Authority due to relocation out of Fayette County. He informed the Board it would need to appoint someone to fill the new vacancy. He also explained that the Authority was established by the Board to assist with the issuance of tax-exempt bonds for the construction of Piedmont Fayette Community Hospital. He asked the Board to give consideration and thought for someone to fill the vacancy left by Mr. Widener's resignation.

Commissioner Brown asked if the open position could be advertised through a press release. Mr. Krakeel replied that it was the Board's discretion concerning how they wanted to fill the position. He added that the appointment to the Authority has been predicated by some level of familiarity with either hospital operations or the medical field. Commissioner Brown said he would not mind putting those requirements in the advertisement. The Board consensus was to revisit the issue at the September 22, 2011 Board of Commissioners meeting in order to give each Commissioner time to consider what procedure to use.

Vice-Chairman Horgan Appointed as Voting Delegate for Fayette County at ACCG Conference: County Administrator Jack Krakeel informed the Board that on October 3-4, 2011 the Legislative Leadership Conference of the Association of County Commissioners Georgia(ACCG) would occur in Atlanta, and that many on the Board were planning to attend the conference from both attendance and training perspectives. He continued that on Monday, October 3, at 3:30 p.m., the Official Call for the Business Session of the ACCG would occur. He said that the ACCG annually requests that every county identify a credentialed Voting Delegate for the Business Session that could vote on behalf of the county with respect to policies, procedures, and other matters. He informed the Board that the due date for the submittal of the Voting Delegate is Monday, September 19, 2011.

Chairman Frady suggested that Vice-Chairman Horgan attend in his stead and be the Voting Delegate. The Board's consensus was to appoint Vice-Chairman Horgan to be the Voting Delegate.

Introduction of Two New Public Works Employees: Public Works Director Phil introduced Mr. Bradley Klinger who serves as the Assistant Director to the Road Department, and Mr. Anthony Stanley who serves as the county's primary Right-of-Way Agent.

COMMISSIONERS REPORTS

Commissioner Brown: Commissioner Brown mentioned that it was good to see Commissioner McCarty back and healthy from shoulder surgery, and he was pleased that the surgery went well.

ADJOURNMENT

Commissioner Hearn moved to adjourn the September 7, 2011 Workshop Meeting. Commissioners Horgan and McCarty seconded the motion. The motion passed unanimously.

Floyd L. Jones, Chief Deputy Clerk