



## *Action Agenda*

Board of Commissioners  
December 15, 2011  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, December 15, 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

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

**Acceptance of Agenda: Commissioner Brown made a motion to accept the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.**

**Presentation/Recognition:**

1. Presentation of a grant from the State of Georgia to Fayette County in the amount of \$950,000 available through the Federal Emergency Operations Center Program.

**Director of Public Safety Allen McCullough presented a letter to the Board from Governor Nathan Deal awarding a grant from the State of Georgia in the amount of \$950,000 available through the Federal Emergency Operations Center Program.**

2. Recognition of the County for receipt of the Georgia Focus Recognition Certificate for reaching a milestone in the initiative to improve key processes and outcomes.

**Director of Purchasing Ted Burgess gave a brief presentation on the Georgia Oglethorpe process and presented the Board with the 2011 Georgia Focus Recognition Certificate Award and pointed out that Fayette County was the first County in the State of Georgia to receive this recognition. The Board recognized and congratulated Mr. Burgess as the leader in this process resulting in the County receiving this Award. County Administrator Jack**

**Krakeel said this Award would not have been possible without the efforts made by Mr. Burgess in leading this process.**

**Public Hearing:**

Note: The following two petitions involve the same proposed development and may be discussed as one issue. However, each petition will need a motion by the Board of Commissioners indicating approval or denial.

3. Consideration of Petition No. 1222-11, Russell W. and Donna S. Jordan and Spotty Merle, LLC, Owners, and Ken Ward, Agent, request to rezone 494.39 acres from A-R to PUD-PRL to develop a planned retreat and/or lodge. This property is located in Land Lots 1, 2, and 3 of the 7<sup>th</sup> District and Land Lots 1 and 32 of the 5<sup>th</sup> District and fronts on Ebenezer Church Road, Arnold Road, and Green Meadow Lane.

**Commissioner Hearn made a motion to approve Petition No. 1222-11 to rezone 494.39 acres from A-R to PUD-PRL to develop a planned retreat and/or lodge including staff's two recommended conditions. Commissioner Horgan seconded the motion. The motion carried 5-0.**

**Chairman Frady called for a recess at this time.**

**After a short recess, Chairman Frady reconvened the meeting.**

4. Consideration of Petition No. RP-050-11, Spotty Merle, LLC, Owner, and Ken Ward, Agent, a revision to the recorded Final Plat of Rountree Place Subdivision to add approximately 10+/- acres to Tract 9 (10.12) acres and reconfigure into two (2) single-family dwelling lots (shown as Tract 5 and Tract 6 on the Development Plan for Petition No. 1222-11). This property is located in Land Lot 1 of the 7<sup>th</sup> District, fronts on Green Meadow Lane, and is under consideration for rezoning from A-R to PUD-PRL.

**Commissioner Horgan made a motion to approve Petition No. RP-050-11 for a revision to the recorded Final Plat of Rountree Place Subdivision to add approximately 10+/- acres to Tract 9 (10.12) acres and reconfiguring into two (2) single-family dwelling lots (shown as Tract 5 and Tract 6 on the Development Plan for Petition No. 1222-11. Commissioner Hearn seconded the motion. The motion carried 5-0.**

**Public Comment:**

**Dennis Chase:** Dennis Chase stated he was the President of the Line Creek Association of Fayette County. He said he had joined the West Fayetteville Bypass Coalition from the beginning and had assisted them in compiling documents against the construction of the West Fayetteville Bypass. He said he was also one of the principle funders of the action taken to possibly put this into Federal Court as a violation of the Clean Water Act. He said that did not come to completion. He said he had spoken with several attorneys related to the Southern Environmental Law Center to review the entire package to determine if he had credible documentation confirming that his information was accurate. He said these two environmental law firms indicated that he was correct in stating that there were two primary violations of the Clean Water Act in this case. He said he had been contacted by a staff member from the Corps of Engineers asking the Association to proceed with this lawsuit. He said Fayette County was technically in violation of the Federal Clean Water Act on two different counts. He said he was disappointed that funds could not be collected for this lawsuit because the Association would have won the lawsuit. He urged this Board to listen to the citizens a little bit more than had been done in the past. He said the Board's actions have hurt citizens living along the West Fayetteville Bypass. He said the Board had not answered citizens' questions or respond to their concerns. He said the same thing had occurred tonight with the Camp Southern Ground petition. He said citizens who spoke tonight had some serious

concerns and questions and they had received no answers. He urged the Board to listen to the citizens of Fayette County.

**Randy Ognio:** Randy Ognio talked about the down turn in the economy and the increase in taxes and other services and the burden that this has put on citizens. He said regardless of the economy, the government keeps on spending money. He said a new E-911 tax had even been added as well as the creation of a new storm water fee. He said the government continues with unnecessary spending including the construction of the Veterans Parkway. He remarked that there had also been park surveys and park lighting that could have been postponed until next year. He also commented on the creation of the newly created Director of Library Services position with a salary from \$67,000 to \$102,000 plus benefits. He said this position had not been budgeted. He also remarked that he did not think there was any competition in government. He also commented on Ordinance No. 2011-06 which he felt made it harder for citizens to speak during public comment at Board of Commissioners' meetings.

**Executive Assistant Carol Chandler noted for the record that Jim Sams, Pam Young, Charles Whitlock, John Byrd, and Kenny Wallace has also signed up to speak under Public Comment but were not present at this time.**

**Consent Agenda: Commissioner Brown requested item nos. 6, 9, 11 and 12 be removed for discussion. Commissioner Brown made a motion to approve the consent agenda item nos. 6 - 18 with the exception of 6, 9, 11 and 12 as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.**

5. Approval of staff's request to accept donations from various sources, to the Department of Fire and Emergency Services to increase Fire Fund's Donations/Miscellaneous Revenue Account by \$600 and to increase Fire Fund's Food/Catered Meals Expense Account by \$524 and Other Supplies Expense Account by \$76 in order to account for the donations.
6. Approval of staff's recommendation to award RFP #800 for stormwater pipe replacement design and engineering services at Kirkley Road over Trickum Creek in an amount not to exceed \$37,991.25 to Clark Patterson Lee Design Professionals; and authorization for the Chairman to execute the contract, pending review by the County Attorney.

Commissioner Brown questioned why this bid was awarded to a company that was listed as fourth on the bid list. Director of Stormwater Management Vanessa Birrell replied that the other bidders did not meet the criteria the County required in the RFP.

**Commissioner Brown made a motion to approve consent agenda item no. 6 as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.**

7. Approval of staff's recommendations to award Bid #803 to Globe Trailer Manufacturing, Inc. for a 50 ton lowboy trailer in the amount of \$52,629.71 for the Road Department.
8. Approval of staff's recommendation to award RFP #805 to Yancey Brothers Caterpillar of a 2006 Caterpillar 953CAC Track Loader including a two year warranty in the amount of \$139,460.
9. Approval of staff's recommendation to award Bid #807 to Naser Heavy Equipment, Inc. For Heavy Equipment Rental in the apparent low bid in the amount of \$52,650 for the 8 month rental of a CAT D4 or equal Dozer and a CAT 330 or equal Track Hoe.

Commissioner Brown remarked that because this related to the West Fayetteville Bypass, he would be voting in opposition.

**Commissioner Hearn made a motion to approve consent agenda no. 9 as presented. Commissioner Horgan seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.**

10. Approval of staff's recommendation to award Bid #808 Total Organic Carbons Analyzer, to GE Analytical Instruments for a Sievers 5310 C Series TOC Analyzer, in the amount of \$29,943 to be used at the lab at the Crosstown Water Treatment Plant.
11. Approval of staff's recommendation to award annual Bid #809 to Faultless Business Center, Inc. as the primary vendor and to Liberty Truck Hauling, LLC and C&J Carriers LLC as secondary vendors for dump truck hauling services for calendar year 2012, in an aggregate amount not to exceed \$150,000.

Commissioner Brown remarked that because this related to the West Fayetteville Bypass, he would be voting in opposition.

**Commissioner Hearn made a motion to approve consent agenda item no. 11 as presented. Commissioner Horgan seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.**

12. Approval of staff's recommendation to award Bid #811 to Curb Specialist, Inc. for an annual contract for miscellaneous concrete work to be used in various construction and road maintenance projects, in an aggregate amount not to exceed \$50,000.00.

Commissioner Brown remarked that because this related to the West Fayetteville Bypass, he would be voting in opposition.

**Commissioner Hearn made a motion to approve consent agenda item no. 12 as presented. Commissioner Horgan seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.**

13. Approval of staff's request for authorization to proceed with selling excess mulch ground at yard waste area at the Fayette County Transfer Station in increments of 5,000 cubic yards either through the County's bid process or by using GovDeals.com or a combination thereof.
14. Approval of a request from the Sheriff's Office to amend the Overtime Budget Account for the Criminal Investigations Division by \$3,229.01 for reimbursement for employees assigned to work with various Federal agencies.
15. Approval of a request from the Sheriff's Office for authorization for the appropriate Fayette County officials to execute the necessary tag and title paperwork for the acquisition of two vehicles using Equitable Sharing Funds.

16. Approval of staff's request for authorization to purchase IBM SAN Storage equipment as part of the County's Strategic Technology Plan with said purchases to come from Georgia State Contract SWC90813-02 for IBM products, in an amount not to exceed \$77,700.
17. Approval of staff's request for authorization to purchase computer equipment for the 911 Center's new Computer Aided Dispatch System Project #8215C. The IBM equipment will be purchased off the Georgia State Contract #SWC90813-02 for IBM products, in an amount not to exceed \$92,556.
18. Approval of minutes for the Board of Commissioners' meeting held on November 10, 2011.

**New Business:**

19. Consideration of staff's recommendation to reaffirm the official name of "Brooks Woolsey Road"/"Woolsey Brooks Road" as Brooks Woolsey Road.

**Commissioner Hearn made a motion to reaffirm the official name of "Brooks Woolsey Road"/"Woolsey Brooks Road" as Brooks Woolsey Road. Commissioner Horgan seconded the motion. The motion carried 5-0.**

20. Consideration of staff's request for authorization to transfer \$18,100 from reserve fund to the Road Department's Heavy Equipment Repair Budget Account and \$17,000 from the reserve fund to the Road Department's Vehicle Repair Budget Account to pay for repairs to two critical pieces of heavy equipment.

**Commissioner Hearn made a motion to approve staff's request for authorization to transfer \$18,000 from reserve fund to the Road Department's Heavy Equipment Repair Budget Account and \$17,000 from the reserve fund to the Road Department's Vehicle Repair Budget Account to pay for repairs to two critical pieces of heavy equipment. Commissioner Horgan seconded the motion. The motion carried 5-0.**

21. Consideration of staff's recommendation to award Bid #804 for Storm Drainage Pipe & Structures Supply for the West Fayetteville Bypass Project - Phase II, Section I to the following suppliers in the amounts denoted: Foley Products Co. in the amount of \$28,137.60; HD Supply Waterworks, LTD in the amount of \$5,402.60 and Vellano Bros., Inc. in the amount of \$1,930.

**Commissioner Hearn made a motion to approve staff's recommendation to award Bid #804 for Storm Drainage Pipe & Structures Supply for the West Fayetteville Bypass Project - Phase II, Section I to the following suppliers in the amounts denoted; Foley Products Co. in the amount of \$28,137.60; HD Supply Waterworks, LTD in the amount of \$5,402.60 and Vellano Bros., Inc. in the amount of \$1,930. Commissioner Horgan seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.**

22. Consideration of the reappointment of Doug Powell to the Fayette County Planning Commission for an additional three year term commencing January 1, 2012 and expiring December 31, 2014.

Commissioner Brown said because this position was not publicly advertised, he could not support it.

**Commissioner McCarty made a motion to reappoint Doug Powell to the Fayette County Planning Commission for an additional three year term commencing January 1, 2012 and expiring December 31, 2014. Commissioner Horgan seconded the motion. The motion carried 4-1 with Commissioner Brown voting in opposition.**

23. Consideration of the reappointment of Vic Bolton to the Fayette County Zoning Board of Appeals for an additional three year term commencing January 1, 2012 and expiring December 31, 2014.

Commissioner Brown said he would stand by his principles that these positions should be publically advertised and allow citizens to have the ability to apply for these positions in order to generate the best quality people possible for the positions.

**Commissioner Horgan made a motion to reappoint Vic Bolton to the Fayette County Zoning Board of Appeals for an additional three year term commencing January 1, 2012 and expiring December 31, 2014. Commissioner Hearn seconded the motion. The motion carried 4-1 with Commissioner Brown voting in opposition.**

24. Consideration of the appointment of Elizabeth Grindrod to the Fayette County Library Board for a four year term commencing January 1, 2012 and expiring December 31, 2016.

**Commissioner Horgan made a motion to appoint Elizabeth Grindrod to the Fayette County Library Board for a four year term commencing January 1, 2012 and expiring December 31, 2016. Commissioner Hearn seconded the motion. The motion carried 4-1 with Commissioner Brown voting in opposition.**

**Administrator's Reports:** County Administrator Jack Krakeel updated the Board on the names of two individuals for consideration by the Board for mediation services associated with Local Option Sales Tax. He said he would be forwarding the hourly rates for these two individuals tomorrow. He asked for the Board's consideration to review that information and provide recommendations as to how to proceed. He said he had spoken with the three other City Managers in respect to this issue and they concur with the two individuals and all agree to submit those names to their elected bodies for consideration.

**Commissioners' Reports:**

**Commissioner Brown:** Commissioner Brown commented on the Camp Southern Ground issue. He said he wanted to acknowledge that the neighbors of the Camp did have some legitimate concerns. He said he had met with these individuals several times as well as the Camp Southern Ground representatives and he would like to commend these representatives for personally taking every one of the concerns that they had been given and meeting with the homeowners personally to resolve each and every one of those problems. He said it was his hope that the Camp would connect to County water. He said he would like to pledge that he would donate the first \$200 toward that effort in order to resolve potential well problems.

**Commissioner McCarty:** Commissioner McCarty said he had been accused of not responding to a certain person's phone calls and e-mails. He said there were quite a few e-mails and he responded to almost all of those but he had several doctors appointments and might have missed some.

**Chairman Frady:** Chairman Frady said he responded to almost everyone in one way or another. He said he had tried to meet with anyone who might have questions, but it would be hard for him to give his opinion on a rezoning until the case was heard by the Board. He said he would have to hear all of the information first before making a decision and he did not want to give anyone wrong information before a hearing was held.

**Attorney's Report:** County Attorney Scott Bennett requested an Executive Session to discuss litigation and property acquisition in Executive Session.

**Commissioner McCarty made a motion to adjourn to Executive Session to discuss litigation and property acquisition. Commissioner Horgan seconded the motion. The motion carried 5-0.**

Chairman Frady called the meeting back to open session.

**Commissioner McCarty made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that litigation and property acquisition were discussed in Executive Session. Commissioner Brown seconded the motion. The motion carried 5-0.**

**Adjournment:** Hearing no further business to come before the Board, Chairman Frady adjourned the meeting at 9:25 p.m.

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Karen Morley, Chief Deputy Clerk