Minutes

Board of Commissioners
July 28, ,2011
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 July 28, 2011, at 7:00 p.m. in the 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 L. Jones, Chief Deputy Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the July 28, 2011 Board of Commissioners meeting to Order at 7:01 p.m. Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Horgan moved to Accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

1. Presentation to those leaving service to Fayette County: Jimmy Adams and Joanna Huddleston.

Director of Public Safety Allen McCullough spoke about the years of service given by Jimmy Adams and Joanna Huddleston, and both he and the Board presented them with their rocking chairs awarded to eligible retirees. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

2. Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III Definitions, Article V General Provisions, and Article VI District Use Requirements regarding beekeeping.

Director of Community Development Pete Frisina explained that the proposed amendments as presented were due to a collaborative effort that particularly involved Zoning Administrator Dennis Dutton, Zoning Coordinator Robyn Wilson, the Planning Commission, and a number of local beekeepers. He said each person spent many hours and endured many meetings trying to put the ordinance together. He reviewed the efforts undertaken on this issue since March 2011 and explained that two options were available to the Board for consideration.

He explained that Option One being offered allowed for beekeeping within the zoning ordinance, but does not include any requirements such as setbacks, buffers, or other similar restrictions.

He explained that Option Two being offered was recommended by staff and the Planning Commission, and that it reflected input received from the Board during the June 2011 Workshop meeting. He said it included provisions on Article V that do give some restrictions and allowance in A-R zoning.

Chairman Frady asked for those who supported the proposed amendments to speak.

Mike Maxwell: Mr. Maxwell spoke in favor of beekeeping and supported Option One as presented.. He spoke about some of the undue obstacles embodied in Option Two, but he did agree with Option Two on the following points: Setback requires as given in Section 2-26.1(B), and the requirement that the beekeepers shall have 30 days from the time of a complaint to bring the beehive(s) into compliance as provided in Section 5-26.1(F).

Virginia Webb: Ms. Webb spoke in favor of beekeeping and supported Option One as presented.

Jerry Edwards: Mr. Edwards spoke in favor of beekeeping and supported Option One as presented.

David Hall: Mr. Hall spoke in favor of beekeeping and supported Option One as presented.

Darwin Edwards: Mr. Edwards spoke in favor of beekeeping and supported Option One as presented.

Noel Barlau: Mr. Barlau spoke in favor of beekeeping and supported Option One as presented.

Chairman Frady asked for those who opposed the proposed amendments to speak. No one spoke in opposition to the proposed amendments.

Commissioner Horgan moved to adopt Option One of the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III Definitions, Article V General Provisions, and Article VI District Use Requirements, to include setbacks as provided in Section 2-26.1(B) of Option Two, and to include the requirement that the beekeeper shall have 30 days from the time of a complaint to bring the beehive(s) into compliance as provided in Section 5-26.1 (F) of Option Two. Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously. A copy of the request and Ordinance Number 2011-05, identified as “Attachment 2", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Gordon Furr: Mr. Furr spoke about the fire station in Tyrone and he asked why the County had not spent money to maintain the station. He said about five years the Board asked him to look at the septic tank at the fire station, and he asked why the Board had not spent money to upkeep the station. He mentioned that he had heard a new fire station was to be built on Jenkins Road, but he thought it was a poor location due to the railroad track in close proximity.

Vic Remeneski: Mr. Remeneski noted that the recent work and earlier vote concerning the beekeeping issue was an example of when "bureaucracy gets involved with Mother Nature", and he could not believe all of the time and man-hours put into a common sense issue. He spoke about the frustration felt by citizens who feel their state and federal representatives do not listen to them. He compared the United States' Senates' actions to the Fayette County Board of Commissioners, made up of Republicans, who are acting like Washington D.C. Democrats by refusing to let the citizens vote on House Bill 240. He said the people are frustrated that the local elected officials refused to listen to the vast majority of Fayette County's voters' wishes.

David Hall: Mr. Hall said it would be good to use SPLOST funds to lower the County's general expenses, and that the money would be far better spent in order to lower property taxes and pay needs other than the West Fayetteville Bypass. He said the West Fayetteville Bypass is a "bad road" that will cause increasing crime rates and will not accomplish traffic reduction. He said the majority of the people are against the West Fayetteville Bypass, and that the Board needed to consider allowing the people to vote on House Bill 240.

Dennis Chase: Mr. Dennis Chase spoke about the current Stormwater Program and proposed fees under consideration by Fayette County. He noted several areas of concern with the program, particularly with respect to the research and expenditures underlying the issue, and the possibility that properties that do not impact the stormwater program will be charged fees alongside those properties that actually do affect the county's stormwater structure.

Bob Ross: Mr. Ross thanked Public Works Director Phil Mallon and Chief Financial Officer Mary Holland who responded to his inquiries with promptness, timeliness, thoroughness, and professionalism. He also thanked County Administrator Jack Krakeel, and he thanked Commissioners Hearn and Horgan for their "willingness to work with me on another project that I have been involved in." He thanked the Board for maintaining Public Comments at the beginning of the meeting, and he voiced concern with two sections of the proposed ordinance listed under Old Business Item 13.

Angela Hinton Fonda: Ms. Hinton Fonda spoke about Old Business Item 13 on the Agenda. She asked the Board to either not vote to adopt the proposed Ordinance, or to hold it for further discussion, review, and revision. She said Mr. Ross spoke about much of her concerns, and then she spoke of some other sections that gave her "great concern" as well.

Randy Ognio: Mr. Ognio spoke about Old Business Item 13, saying he agreed with Commissioner Brown's points that were raised at the July 6th Workshop meeting., and that he also agreed with Mr. Ross' and Ms. Hinton Fonda's points as well. He then spoke about other sections of the proposed Ordinance that he had concerns with.

Claudia Eisenburg: Ms. Eisenburg thanked Chairman Frady. She said she read *The Citizen*, published on July 27, and based on the written article she thanked the Chairman for "your diligent work with the ARC, and I know what you did was not popular among your peers, and again I appreciate you being proactive." She said she has had her doubts about the T-SPLOST, that she thought it was to fund mass transit for metro Atlanta, and that while she has never been concerned about a bus or train running through Fayette County she has been concerned about having to pay for someone else's transportation. She said she could not afford to pay for others transportation, especially with the cost of living rising, and to force Fayette County fund other's transportation is "just shameful".

Tom Halpin: Mr. Halpin noted that in *The Citizen*, published on July 27th, when the list of Fayette County's projects was published that appeared before the Atlanta Regional Commission, he noticed that the East Fayetteville Bypass was included on the list. He noted that the ten counties are asking taxpayers to pay for the bypass again, even though the citizens were told that 2004 SPLOST authorized money to be "set aside" to pay for the East Bypass. He concluded that it appeared this was "double taxation". He asked why Fayette County was asking the taxpayers to pay for a project twice, and if they are not being asked to be paid for twice, then this was something that the County needs to reconsider or explain the request to the taxpayers.

Marty Harbin: Mr. Harbin thanked Commissioner Brown for his comments at the July 14th meeting. He said the Board should realize that the county is dealing with economic conditions it has not seen before, and that he had watched many businesses that he serves go out of business. He noted that the County's staff reported that more houses are being reevaluated for their declining values, and tax revenues are going down. He continued that the newspapers are reporting that the School Board is expecting "negative numbers" since their federal and state funds are "drying up." He explained that as a business man he has had to "put people off" and has had to "cut back", and that, as a general rule, governments do not make those kinds of decisions. He encouraged the County to be cautious in making decisions, especially since the economic situation driven by the federal government was bleak.

CONSENT AGENDA:

Commissioner Brown asked for Consent Agenda Items 4 and 6 to be removed for discussion.

Commissioner Horgan moved to approve Consent Agenda Items 3-12 excluding Items 4 and 6. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

3. Approval of staff's request to extend the contract with Trammell-Horton Contracting, L.L.C. for ninety (90) days for the purpose of completing the current Library Expansion project. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

4. Approval of staff's recommendation to enter into Contract Number S013583-PR with the Georgia Department of Transportation for the resurfacing of Goza and Old Senoia Roads and authorization for the Chairman to execute said contract.

Commissioner Brown asked what the total cost to the county would be for this resurfacing project, and if the cost was budgeted in the Fiscal Year 2012 Budget. Public Works Director Phil Mallon replied that that total anticipated cost was approximately $446,000 , but the actual cost would vary due to petroleum cost fluctuations. He added that Fayette County would be reimbursed for nearly the same amount of the cost of this project. He also clarified that the net cost to the county was based on material only, but did not factor in other costs for equipment and labor. He concluded that the funds for this project had been budgeted for Fiscal Year 2012.

Commissioner Brown moved to approve Consent Agenda Item 4 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Contract Number S013583-PR, identified as "Attachment 4", follow these minutes and are made an official part hereof.

5. **Approval of staff's request that the County accept the Local Public Acceptance Resolution 66 (1318L), prepared by the Georgia Department of Transportation, for recently completed improvements at the intersection of State Route 92 and Hilo Road and Kingswood Drive; and authorization for Chairman to execute same. A copy of the request and Local Public Acceptance Resolution 66, identified as "Attachment 5", follow these minutes and are made an official part hereof.**

6. **Approval of staff's request for the Chairman to sign a Temporary Right of Entry Agreement with CSX Transportation, Inc. for pavement improvements at the CSX Railroad Crossing on Sandy Creek Road, and to approve staff's request to obtain related insurance coverage as required.**

Commissioner Brown asked why CSX Transportation was not doing the work since they often work on the crossings in Peachtree City and other areas. Public Works Director Phil Mallon answered that although he is not an expert on the topic, generally if improvements are required for track maintenance that work would be the railroad's responsibility, but roadwork is generally the responsibility of the county. Commissioner Brown asked if Fayette County had asked CSX Transportation to work on the road and if CSX had refused. Mr. Mallon answered that CSX had been asked for assistance with the road and they had refused.

Commissioner Brown moved to approve Consent Agenda Item 6 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Temporary Right of Entry Agreement, identified as "Attachment 6", follow these minutes and are made an official part hereof.

7. **Approval of the Sheriff's request to authorize the Chairman to sign the Equitable Sharing Agreement and Certification document, as required by the United States Department of Justice and the United States Department of the Treasury. A copy of the request and the Equitable Sharing Agreement and Certification document, identified as "Attachment 7", follows these minutes and are made an official part hereof.**

8. **Approval of the Sheriff's request to amend the Fiscal Year 2011 Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by $7,963.97 for reimbursement for employees assigned to work with various Federal agencies. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.**

9. **Approval of the Sheriff's request to declare a Crossmatch Fingerprint Scanning machine to be unserviceable, to acquire a new machine at a cost of $19,632.77, and to trade in the old machine for a $4,228.50 credit, resulting in a net cost of $15,404.27 for the replacement machine. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.**

10. **Approval of staff's request for the Board to declare two incinerators as unserviceable, and to authorize staff to sell the incinerators to the highest bidder through the GovDeals website. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.**

11. Approval of staff's request to declare two planimeters and a Leica GS20 GPS with an external Antenna Upgrade Package as unserviceable, and to authorize staff to sell the specified items on the GovDeals website to the highest bidder. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

12. Approval of the July 6, 2011 Board of Commissioners Workshop Minutes and the July 14, 2011 Board of Commissioners Minutes.

OLD BUSINESS:

13. Consideration of a proposed Ordinance which addresses the procedures, decorum and rules of order used for conducting County Commission meetings.

Commissioner Brown asked for a continuance of Old Business Item 13 and asked for it to be considered at the next regularly scheduled Board of Commissioners meeting held on August 11, 2011. Commissioner McCarty seconded the request.

County Attorney Scott Bennett informed the Board that if it were intending to table the item until the August 11, 2011 Board of Commissioners meeting that the Board would need to vote on the item. He added that if the Board intended to continue the item until the upcoming Workshop meeting then no vote would be required.

Commissioner Brown stated that the reason he wanted to move the item to a Thursday meeting is that he would try to present an alternative to the ordinance, and then get it into the people's hands so they could comment on it at the meeting.

Commissioner Brown moved to table the present item until the August 11, 2011 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and proposed Ordinance, identified as "Attachment 12", follow these minutes and are made an official part hereof.

14. Consideration of an updated intergovernmental agreement between Fayette County and the municipalities of Fayetteville, Peachtree City, Tyrone, and the Board of Education, which addresses funding and operation of the Fayette County E-911 Communications System; and consideration of the creation of an E-911 special tax district.

County Administrator Jack Krakeel explained that this issue has been on-going for the past 18 months based on the municipalities' requests to create a special tax district to fund E-911 operations, and that he had been working with the various city managers to craft a new agreement for the operation of the Consolidated Communications Center. He told the Board that there were several reasons that the municipalities had made their request, and he briefly explained those reasons.

Next, Mr. Krakeel informed the Board that there were two provisions in the current agreement before the Board that were "somewhat different" from a prior agreement they had reviewed, and that the provisions were added after inquiry from the Town of Tyrone. He explained that the first provision concerned what happens to any fund balance that may accrue in the final year of per capita contributions. He continued explaining that the agreement requires that even after the county establishes the tax district, the per capita contributions will continue for a period of two years in order to help pay for the operation of the Consolidated Communications

Center, and that the tax district would absolve the current outstanding debt. Any money left over at the end of the two year time period would be accrued to the E-911 special tax district. At the end of the two years, the E-911 special tax district would become fully responsible for the funding of E-911 operations.

Mr. Krakeel told the Board that the second provision concerned the ability of municipalities to withdraw from the E-911 special tax district. He explained that the agreement is for 50 years with 10-year renewal dates built into it. Municipalities would be able to enact the withdrawal provision 18 months prior to the 10-year renewal date, but in so doing they would incur a termination fee equivalent to the tax generated within that jurisdiction for a two year period. County Attorney Scott Bennett clarified that the termination fee was not a penalty, per say, since the County often spends large amounts of money for equipment, software, and other needs for the Communications Center, and if a municipality withdrew from the agreement, the County could face a potentially heavy debt burden.

County Attorney Scott Bennett noted that the legal counsels' for both the Town of Tyrone and the City of Peachtree City would return to their respective governing bodies in order to ratify the changes. He added that he had not spoken to legal counsel for the City of Fayetteville, but added that the City had adopted the agreemennt, and allowed for modifications to it. He told the Board that he would relay its concerns to the City of Fayetteville that they should consider the two provisions, however, he closed saying only one document would be signed by all parties.

After making his report, Mr. Krakeel asked the Board to adopt a resolution establishing a Special E-911 Tax District that would encompass the entirety of Fayette County.

Commissioner Horgan moved to adopt a new E-911 Intergovernmental Agreement along with Resolution 2011-11; creating a Special E-911 Tax District. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, the Intergovernmental Agreement, and Resolution 2011-11, identified as "Attachment 13", follow these minutes and are made an official part hereof.

NEW BUSINESS:

15. Consideration of staff's request to approve a Change Order with Heath & Lineback Engineers, in the amount of $24,900, for the design of a 16-inch waterline relocation at the Westbridge Road bridge over Morning Creek (SPLOST Project No. B-2, Contract No. P733).

Commissioner Horgan asked for clarity on how the project and its design would save the county money. Mr. Mallon replied that Public Works had two options. The first option was to keep the waterline independent of the bridge, and that it would essentially require a mini-bridge for the waterline. He said the design cost for that work was slightly less than the second option, but estimates showed that it would cost up to $100,000 more to construct. He said due to cost savings, the second option was chosen, and that it allowed to put the waterline on the bridge itself.

Commissioner Hearn moved to approve staff's request to approve a Change Order with Heath & Lineback Engineers, in the amount of $24,900, for the design of a 16-inch waterline relocation at the Westbridge Road bridge over Morning Creek (SPLOST Project No. B-2, Contract No. P733). Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Change Order, identified as "Attachment 14", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

Resolution 2011-11 Read Into the Record: County Administrator Jack Krakeel read Resolution 2011-11, approved by the Board under Old Business 14, into the record.

The County Administrator gave no other report.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty announced that he was totally against stormwater fees or anything else that would take money out of the citizens' pockets, regardless of it being called a tax or a fee. He understood that the County was approximately $18 million behind on its stormwater fees, but if the fees were implemented even churches and schools will pay them. He said the school budget is not "working too well right now" and their millage rate will have to increase to fix the budget. He continued that church donations would also have to rise in order to pay the fees. He repeated that he is against stormwater fees because, according to information he received from the State's handbook that serves as a guide to Commissioners concerning SPLOST projects, that stormwater fees can be paid for with SPLOST funds that would make up the $18 million shortfall and would enable the Road Department to continue fixing roads, making improvements, and repairing stormwater needs.

Commissioner Hearn: Commissioner Hearn addressed Mr. Randy Ognio's public comments concerning the proposed changes to decorum. He said he had noted them and will recommend a number of those changes to be made, including others that Angela Hinton Fonda and Bob Ross had also suggested. He then responded to Mr. Tom Halpin's comments concerning the East Fayetteville Bypass. He explained that while he is undecided with his support on this issue, if Fayette County was going to be a part of the T-SPLOST, it would be incumbent on the County to put the best projects on the list. He said there are many things that affect Fayette County, and as Mr. Marty Harbin pointed out, the County's revenues are down. He said he wanted to assure the citizens that the County has made some serious cuts in expenses over the past three years including with personnel issues and other issues. He said he was proud that Fayette County is not faced with the same changes confronting Cobb County and Clayton County, and that it is incumbent for the Board to be good stewards of the taxpayer's money and to make good decisions. He wanted the people to know what responsibility the Board was charged with and for them to know that the Board works at the charge every day.

Commissioner Brown: Commissioner Brown stated that Mr. Marty Harbin's point related to House Bill 240 was apropos, and he thought the County was deficit budgeting and has done so for the last few years. He said that while Fayette County is not increasing taxes such as Cobb and Clayton Counties are, Fayette County was slowly heading in that direction. He said revenues are not expected to rise anytime soon, so the County has to be careful. He referred back to the last Board of Commissioners meeting, and particularly to comments given by Commissioner McCarty concerning working on stormwater projects as part of the SPLOST - Road Project program. He said he went back and reviewed the information, and that stormwater work is included in the scope of road projects. He referred to New Business Item 15 as an example where utility removal was not originally in the scope of the SPLOST project but the Board decided to do it. He concluded there was some confusion as to whether Commissioner McCarty was correct on the issue, but, in fact, stormwater projects can be included within the Road SPLOST under the premise of maintaining roads.

ADJOURNMENT

Commissioner moved to adjourn the July 28, 2011 Workshop Meeting. Commissioners seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned at 8:34 p.m.

Floyd L. Jones, Chief Deputy Clerk

Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11th day of August , 2011.

Floyd L. Jones, Chief Deputy Clerk