Minutes

Board of Commissioners
September 7, 2011
3:30 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 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 Floyd L. Jones, Chief Deputy Clerk Karen Morley, Chief Deputy Clerk

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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 the 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. No discussion followed. 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." Vice-Chairman Horgan read the proclamation. Chairwoman Bebe Moore gave the Board a Certificate of Appreciation on behalf of the Daughters of the American Revolution. A copy of the request, proclamation, and certificate, identified as "Attachment 1", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Maria Kachadurian: Ms. Maria Kachadurian, a resident of Kedron Hills in Peachtree City, 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 that process did not comply with the County's tower ordinance that was in place at that time. She thought the approval should be overturned in favor of Highwood Towers who, she claimed, submitted a proper application with Fayette County. She spoke about how SCI failed to meet the County's requirements, and asked the Board to review the situation and to stop the construction of the cell tower on Crabapple Road. She closed by asking that all future applications for the construction of a cell tower be required to be heard through the Public Hearing process.

Matt Allen: Mr. Matt Allen, representing Highwood Towers, said he had all the respect for the Planning and Zoning's staff, however, he thought it was "clear and undisputable that a mistake had been made since the current cell tower ordinance states that the FAA Certificate must be in prior to submittal." He explained that while the requirement of an FAA Certification may sound like a small technicality, it involves a public process that requires notifying competitors that a company intends to submit an application within a jurisdiction. He continued that by allowing a company to proceed with the construction, who does not have a FAA Certificate, the County was awarding the work to a company that intentionally did not comply with the ordinance. He added that information on the application was materially incorrect, and that if the correct information had been provided, the application would not have been approved. He closed saying there were several other issues that were not considered such as the impact on wetlands, and if the County allows for minimal submittals, and puts the burden on staff to make decisions, then the County would set a bad precedent not only for cell tower applications but all applications involving the Planning and Zoning Department.

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

Steve Smithfield: Mr. Steve Smithfield observed that the current meeting was a combined meeting due to the proximity of the meeting days. He acknowledged that while combining the two meetings days into one was "a good thing" since it was more efficient, it denied citizens who work from being at the meeting, to submit public comments, and to participate in the meeting. 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 those rights should not be construed to make it hard for citizens to access 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 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. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

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 asked for all future, final, supplemental budget adjustments reports to be broken down on a department-by-department basis. He said he noticed the county's self-insurance budget and its overtime budget seemed to be "trending out of budget", and he asked if his observations were correct. Assistant Finance Director Toni Jo Howard replied that the County's self-insurance plan fluctuated depending on individual employees adding dependents or removing them.

Commissioner Brown noted that "operations" were 110.3% of budget and said he was concerned about that in a bad economy. Mrs. Howard clarified that Commissioner Brown was referring to the Fire Fund and then pointed out that the personnel costs were under budget, meaning the actual amount for the fund, including its operations portion, was under budget. Commissioner Brown said he understood that, but when the Board of Commissioners sets a budget, departments must stick to it. Mrs. Howard replied that operations costs were higher due to a rise in utility costs as well as the rising cost of gasoline. Chief Financial Officer Mary Holland added the rising costs were the reason the Fire Millage Rate was raised earlier in the year. Discussion followed.

Commissioner Brown observed there were many projects that were being requested to be closed, and he noted some projects had deficit budgets and others had surplus budgets. He asked that information concerning projects be provided to the Board during its annual budget discussions. Ms. Holland replied that County Administrator Jack Krakeel had already directed staff to work on all of the open projects, and that staff would present the information to the Board during the upcoming budget discussions in order to get further direction from the Board. Mr. Krakeel added that most of the projects reflected revenues over expenditures, meaning most of the projects did not cost as much as was budgeted for them. Commissioner Brown asked for this information to be provided to the Board, and for the information to be broken into departments as well.

Commissioner Brown moved to approve Consent Agenda Item 3. Commissioner McCarty seconded the motion. No further discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

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 Brown said Waste Management has a good reputation, but he was concerned that the company was being given twenty years of non-competitive service with Fayette County, and that this was another example of the County not bidding out its work and service. He thought that in the current economic environment, the County would benefit by bidding out its contracts, and that he had a real problem with this type of work being awarded without a bid issued for several decades.

Commissioner Hearn replied that Fayette County experienced many problems with Waste Management's predecessor, and that, conversely, the County had not experienced any problems with Waste Management. Commissioner Horgan mentioned that Waste Management is providing additional waterlines and a fire-suppression sprinkler system at the Transfer Station, pursuant to the contract under consideration. Commissioner Brown repeated that there were many companies in the waste industries field, and Fayette County should pursue a bid structure that demands the type of service the County needs and imposes penalties if that service is not provided. Discussion followed.

County Administrator Jack Krakeel informed the Board that the reconstruction of the Transfer Station, which was damaged by a fire, had already been completed and that Waste Management had spent significant dollars for its reconstruction. He also informed the Board that Waste Management had acquired one of their competitors' facilities located on First Manassas Mile Road, and there was the potential for substantial revenue enhancements-because of that acquisition- through additional tipping fees generated through the County's facility. He closed his remarks saying staff made this recommendation because the renewal term options are in the original agreement with Waste Management.

Commissioner Horgan moved to approve Consent Agenda Item 4. Commissioner Hearn seconded the motion. No further discussion followed. The motion passed 4-1 with Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

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 Brown said his concerns with this request were similar to those expressed for the agreement with Waste Management. He asked if the money to be paid to Mallett Consulting was additional money or if it was part of the cost already factored for the construction of Lake McIntosh. Water System Director Tony Parrott answered that part of the money had already been factored into the Lake McIntosh project and the other part was an additional cost. Commissioner Brown emphasized that the problem he had was the work would be performed for the County that was not bid out, and it was for that reason that he had a real problem voting in favor of the Water Committee's recommendation.

Commissioner Hearn pointed out that the county is not obligated to bid out professional services, that Mallett Consulting had worked for Fayette County for over twenty years , that the firm "does a great job", and that all those factors deserved merit and consideration. He continued that this request dovetailed with the Mallett's ongoing work at Lake McIntosh, and that it made good business sense to employ someone who knows the

project and where the County is in terms of completing the construction of the lake. Commissioner Horgan added that this recommendation was from the Water Committee, and, as a committee, their advice should be taken into consideration.

Commissioner Horgan moved to approve Consent Agenda Item 5. Commissioner Hearn seconded the motion. Discussion followed. The motion passed 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

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 Brown observed that this request was bid out and awarded to Goforth Williamson. He thought it was unfortunate that Goforth Williamson had returned to the county, and that some problems with the motor were excluded from the previous bid request. He said the other received bids for the repair work were close, and he thought this was an instance where the work should be rebid and the effort started from scratch. He pointed out that the supporting documentation to this request indicated there could be some significant cost with "breaking down the motor", delivery, and other requirements, but he added that he wanted information provided to him that would verify that assertion. He said he would remain very skeptical if the support for the assertion was not provided.

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. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

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 Brown said the problem with this request was that it was another example of an old bid that the County is "continuing to push, but this is a new economy". He continued that people are looking for work, they are trying to sell their products, and it was a prime opportunity for the County to rebid these types of requests in order to get better pricing. He closed saying if the County does not give competitors opportunities to bid, then the county can never really know if it is getting the best pricing available.

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. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

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. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

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. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

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. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

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.

Information Systems Director Russell Prince reminded the Board that it on April 28, 2011 it adopted the Strategic Technology Plan, and as part of the plan, the Information Systems Department developed a five-year computer replacement schedule. He explained that based on the schedule, 140 desktop computers, 24 laptop computers, and 60 printers needed to be purchased. He stated that the computers would be purchased from Dell, and the printers would be purchased from Hewlett Packard. He explained that both companies held State Contracts, meaning the purchasing cost from each company was reduced. He added that the costs for the computers and printers were obtained several weeks earlier, that the models under consideration were last year's models, and that with reduced prices and limited supplies the availability to purchase as much as needed could be limited. He asked for authorization to purchase the computers, laptops and printers, and to implement the replacement schedule. Discussion followed concerning the printers' models, their lifespan, the availability of replacement parts, how long the replacement process would take, software needs and concerns, and what departments would get the first replacements.

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. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

NEW BUSINESS:

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

Mr. Darryl Hicks, Vice-Chairman of the Recreation Commission, informed the Board that the Recreation Commission has reached a point where it needs to revisit the Needs Assessment. He reminded the Board that the Needs Assessment was first created in 2003, and that it had a slight update in 2008. He told the Board that the Recreation Commission believes the Needs Assessment must look at the needs for Fayette County as a whole, and that its scope would include all the municipalities as well as unincorporated Fayette County. He continued that the Recreation Commission believes the best approach to accomplish the Needs Assessment was to break the overall work into stages, or phases, and that each phase be completed in order until the work is complete. He explained each of the phases in general, and Phase 1 in particular, to the Board. Concerning

Phase 1, Mr. Hicks said this was the perfect opportunity to engage a firm to conduct a county-wide survey by asking citizens questions about recreational needs, but he emphasized this phase would also require the cooperation and participation of the Board and county staff. He reported that once the survey was completed, he would return to the Board and provide its findings. He asked for funds up to $7,000 for conducting the survey, and he added that while it is not lost on the Recreation Commission that Fayette County is facing tough economic times, if Fayette County did not address its recreational needs now, it could experience greater long-term costs in the future.

County Administrator Jack Krakeel reminded the Board that this effort from the Recreation Commission was due to the Board's request in 2009 to present a realistic Needs Assessment that recognized there have been substantive changes over the last eight to nine years since the first Needs Assessment report was created.

Commissioner Horgan thought Mr. Hicks "hit the nail on the head" by including all of Fayette County, and not just individual cities, because the county was noticing some of its recreation areas decline. He thought this approach would be best for Fayette County.

Commissioner Brown said he "loved it " when Mr. Hicks said the entire county should be considered, and he hoped the Needs Assessment would do just that. He continued that up to this point, everything done for recreational needs in Fayette County was based off the 2003 Needs Assessment and that the 2003 Needs Assessment was an "essentially flawed document". He referred to the August 28, 2003 Minutes where the original Needs Assessment was discussed, and he read that the presenter at that time told the Board of Commissioners that the City of Peachtree City and the Town of Tyrone had been "discounted" or not considered for the Needs Assessment. Commissioner Brown commented that 100% of the citizens of Fayette County are taxed for recreational needs and the funds needed to be equitably distributed throughout Fayette County. He emphasized that in 2003, Commissioner Peter Pfeifer did not vote for the plan because it only addressed the needs of 61% of the citizens while taxing 100% of the citizens, and he was concerned that this new study would be based off the 2003 Needs Assessment. Mr. Hicks replied that he and the Recreation Commission were echoing Commissioner Brown's concerns, and that this new Needs Assessment would look at the overall needs of the County, would not exclude anyone, and would include everyone.

Commissioner Hearn told Mr. Hicks that he thought there was nothing more important for the citizens of Fayette County than a good recreation plan, but that he was disappointed with the 2003 Needs Assessment since the heads of many of the sports in Fayette County, including baseball, soccer, football, girls' softball and others, were not contacted for input. He was disappointed because the 2003 study essentially ignored the best resources in Fayette County, and while it may have addressed national trends, it did not truly get down to Fayette County's needs. He also encouraged the Recreation Commission to look at improving ball fields incrementally, instead of all at once, and for the improvements to be considered and implemented holistically. Mr. Hicks replied that the Recreation Commission believes the input of everyone is important, and that the perfect time to get information and direction is right now. He said while the study could not be perfect, it would be right since it would engage everyone in the process, and that when the Recreation Commission returned to the Board the thoughts of everybody possible would be included.

Commissioner Brown asked if safety considerations would be part of the plan. Mr. Hicks replied that safety is always part of the equation, that Recreation Director Anita Godbee and her staff constantly think about different scenarios and events in an effort to keep children safe, and that it is the chief priority. He added, however, that was another example that if the planners do not think about it, and if there is little information provided then similar concerns could be missed.

Commissioner Hearn moved to authorize expenditures up to $7,000 from existing CIP Account P7005, to begin Phase One of Fayette County's Parks and Recreation Needs Assessment. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

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.

Mr. Brandt Herndon updated the Board about the on-going work at the Fayette County Development Authority. He informed the Board that he and the Authority had been busier during the past two months than it had been in the previous twelve months. He then told the Board about two new companies that began operations in Fayette County within the past year, and that he met with over twenty-three companies around the county's industrial park. He said that he is no longer hearing of any layoffs, but instead each company reported that they are looking to hire new employees. He spoke about the many seminars, training opportunities, initiatives, and other similar opportunities that he had engaged in personally and that the Authority had sponsored. He closed his presentation by speaking of the prospects the Authority is working with and how they could potentially boost Fayette County's economy. Discussion followed.

The Board took no action and gave no direction concerning this request. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

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

Chairman Frady reminded the Board it would need to be careful about what was said since a hearing was taking place concerning this topic, and that the hearing would not be concluded until September 19, 2011. He suggested that if the Board wanted to have the Planning and Zoning Department to review the ordinance and look at issues such as distance requirements from city limits, then that would be appropriate.

Commissioner Brown told about several areas of concern he had with the County's Zoning Ordinance as it relates to cell tower regulations, discussed on each of his concerns, and asked for the Board's consent authorizing staff to review each concern. Specifically, the concerns raised by Commissioner Brown were: 1) the application process itself in order to determine what makes a complete application; 2) the possibility of returning the approval process back to the Board of Commissioners itself instead of leaving the approval process up to County staff; 3) a provision in the ordinance that places distance requirements between municipal borders and neighboring county borders; and 4) a provision in the ordinance that would mandate a legitimate notification process for those near the proposed cell tower site. Discussion followed.

Director of Community Development Pete Frisina briefly spoke about the existing distance requirements in the cell tower ordinance, and he suggested that staff could go to the Planning Commission the following week to "bounce ideas off of them" before returning to the October 2011 Workshop.

The Board directed staff to consult the Planning Commission about the issues as discussed, and to return to the October 5, 2011 Workshop Meeting with recommendations. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

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 previous appointments to the Authority have 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 Mallon 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.

The Fayette County Board of Commissioners adjourned their September 7, 2011 Workshop Meeting at 5:15 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 22nd day of September 2011.

Floyd L. Jones, Chief Deputy Clerk