



## *Minutes*

Board of Commissioners  
September 13, 2012  
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](http://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 13, 2012 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

<b>Commissioners Present:</b>	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
<b>Staff Present:</b>	Floyd Jones, County Clerk
<b>Staff Absent:</b>	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney

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### **Call to Order, Invocation and Pledge of Allegiance.**

Chairman Frady called the September 13, 2012 Board of Commissioners meeting to order at 7:02 p.m. Commissioner Hearn offered the Invocation and led the audience in the Pledge of Allegiance

### **Acceptance of Agenda.**

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

### **PRESENTATION/RECOGNITION:**

#### **1. Proclamation of "Sharpsburg Remembrance Day."**

Commissioner Horgan read the "Sharpsburg Remembrance Day" proclamation. Mr. Scott Gilbert, representing the Sons of Confederate Veterans, spoke about the impact of the Battle of Sharpsburg both for the nation and for Fayette County. The Board took no official action with this Proclamation. A copy of the request and proclamation, identified as "Attachment 1", follow these minutes and are made an official part hereof.

## 2. Proclamation for National Preparedness Month in Fayette County.

Public Safety Director Allen McCullough, who also serves as the Emergency Management Director of Fayette County, introduced Deputy Chief Tom Bartlett with Fayette County's Fire and Emergency Services, Mr. Charlie English who is the State Director of Emergency Management / Homeland Security, and Assistant State Director of Georgia's Emergency Management / Homeland Security and Director of Operations, Mr. Charlie Dawson. Chief McCullough spoke about the responsibilities of Public Safety for daily emergencies while trying to be prepared for large, countywide emergencies. Director Dawson spoke about the recent accomplishments and awards the Public Safety Division had earned, and he spoke about the Public Safety Division's ongoing work with faith-based organizations to make Fayette County a safer place to live. Chief McCullough then read the proclamation on behalf of the Board of Commissioners. A copy of the request and proclamation, identified as "Attachment 2", follow these minutes and is made an official part hereof.

### PUBLIC COMMENT:

**Bob Sitz:** Mr. Bob Sitz spoke to the Board about the September 5, 2012 Workshop Meeting when the issue of the deregulation of animals in A-R zoned properties was discussed. He said he was in favor of the initiative, but that he was somewhat concerned about not having a limit since there was already a problem with a large number of pets and feral cats in Fayette County. He asked for the County to consider limiting the number of pets to three non-neutered or non-spayed pets, but that owners could have an unlimited number of pets that have been either neutered or spayed. He suggested that the limitations could be removed from all the zoning districts, so long as his first recommendation was adopted.

**Tom Waller:** Mr. Tom Waller talked about three points. The first point concerned Consent Agenda Item 1, and he expressed concern about the purchase procedure and the need for the request. His second point was about New Business Item 3, and he asked why the subdivision would not pay the bill for installing the waterline. His third point was to exhort the Board to stop Phase Three of the West Fayetteville Bypass and the incremental spending for that project.

**Kristin Holm:** Ms. Kristin Holm, who lives off Lester Road, stated that Phase Three of the West Fayetteville Bypass needed to be put on hold and completely discontinued since it is a waste of money. She thanked Commissioner Brown for his efforts to stop the West Fayetteville Bypass, she hoped that in a few months there would be change, and she implied the West Fayetteville Bypass was the reason why three Commissioners had been voted out of office. She listed ways money had been used unwisely on Lester Road in the past, and how the potential projects along the scaled-down version of Phase Three of the West Fayetteville Bypass would continue to be a waste of money. She asked the Board to consider ways to retain citizens in Fayette County and to use its money for those purposes.

**Randy Ognio:** Mr. Randy Ognio spoke about Consent Agenda Item 1 and said the County needed to not replace the vehicle for a couple of years given the current budgetary issues in the Fire Fund. Concerning Consent Agenda Item 7, he thought \$15 per yard was "steep". He questioned Consent Agenda Item 9 and asked why Fayette County was approving something on behalf of Peachtree City's Water and Sewer Authority. He noted that he did not see a need to move forward with intersection improvements for the West Fayetteville Bypass- Phase Three. He noted that some of the Agenda Request's did not include account numbers on them, and he said he would appreciate it if they would be included. He questioned New Business Number 3, asking why there was not a pressure regulator valve that could regulate pressure since everyone else seemed to be able to get them. Mr. Ognio closed his remarks asking where the bids for the request were for New Business Item Four.

**Beryl Jackson:** Ms. Beryl Jackson, who lives at 250 Williamsburg Way, Fayetteville, questioned the Board about some rumors she had heard. She asked who is Richard Lindsey, and who is he employed by. She asked if the Fayette County Board of Commissioners solicited Mr. Lindsey to file a complaint related to residency districts. She further asked if the Board of Commissioners voted to pay attorneys' fees for Mr. Lindsey. She asked where the information could be found that would answer her questions. Chairman Frady informed Ms. Jackson that the Public Comment section of the Agenda was not designed to have the Board answer questions from the public, since it is for public input only. Chairman Frady also informed Ms. Jackson that she could meet with County Clerk Floyd Jones in order to start the process of obtaining the requested information.

**CONSENT AGENDA:**

Chairman Frady noted that County Attorney Scott Bennett was absent for the meeting, and that Attorney Don Comer was present to answer legal questions for the Board on behalf of Mr. Bennett.

Chairman Frady moved to remove Consent Agenda Item 8 from the Agenda and for the item to be placed on a future Agenda. Commissioner Horgan seconded the motion. No discussion followed. The motion passed 5-0.

Commissioner Horgan moved to approve Consent Agenda Items 1-10 excluding Consent Agenda Item 8. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 5-0.

1. **Approval of staff's recommendation to award Bid #847 to Alan Vigil Ford- Fayetteville for the procurement of one (1) 2013 Ford F-150 Crew Cab 4x4 truck, in the amount of \$25,834.92, to be used by Fire Services, and authorization for the Chairman to sign any documentation required for this purchase. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**
2. **Approval of staff's recommendation to amend the awarding of Bid #P825- Existing and Future Conditions Floodplain Mapping Professional Engineering Services by an additional \$32,175.00 to study 55 additional stream miles for both 100 and 640-acre drainage basins, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**
3. **Approval of staff's recommendation to adopt additional compliance documents that are required for Fayette County's Public Works' Title VI Program. A copy of this request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**
4. **Approval of the Sheriff's Office request to amend the Fiscal Year 2012 Overtime Budget for the Criminal Investigations Division by \$4,125.13 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**
5. **Approval of the Sheriff's Office request to amend the Fiscal Year 2013 Overtime Budget for the Criminal Investigations Division by \$2,981.53 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**

6. **Approval of staff's request to allow designated Fire and Emergency Services' staff to maintain eligibility to procure surplus items from the Georgia Department of Administrative Services (DOAS), and authorization for the Chairman to sign the Georgia DOAS Surplus Property Eligibility Application and other related documents. A copy of the request and DOAS application, identified as "Attachment 8", follow these minutes and are made an official part hereof.**
7. **Approval of staff's request to amend the Lake McIntosh Park and Boat Ramp contract with Headley Construction by approving Change Order #1 and Change Order #2, at an aggregate increase of \$60,855.00, and authorization for the Chairman to sign the Change Orders contingent upon the County Attorney's review. A copy of the request, Change Order #1, and Change Order #2, identified as "Attachment 9", follow these minutes and are made an official part hereof.**
8. **Approval of staff's recommendation to award Chemical Bid #845, for twelve (12) months, to nine companies who bid on chemicals used by the Fayette County Water System for water treatment, and authorization for the Chairman to sign any contracts or related documents related to this request contingent upon the County Attorney's review.**

Consent Agenda Item 8 was removed from the Agenda by unanimous vote of the Board. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.
9. **Approval of the Water Committee's recommendation to authorize the Peachtree City Water and Sewerage Authority (WASA) to insert a flyer into customers' water bills during the months of October 2012 and March 2013. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.**
10. **Approval of the May 24, 2012 Board of Commissioners' Budget Minutes and the August 23, 2012 Board of Commissioners' Meeting Minutes.**

**OLD BUSINESS:**

1. **Consideration of a request from the Sheriff's Department- Jail Division to authorize Mallett Consulting, Inc. to provide an Expanded Needs Assessment for the "Old Inmate Housing Pod," in the amount of \$4,750.00, to grant funding in the amount of \$4,750.00, and authorization for the Chairman to sign the contract or related documents contingent upon the County Attorney's review.**

Major Charles Cowart of the Fayette County Sheriff's Department- Jail Division reminded the Board that in April 2012, he came to the Board with a similar request to the one under consideration at this meeting concerning the old jail, and he reminded the Board that it had recommended a study be conducted on the feasibility of: 1) repairing or demolishing the old jail, 2) adding capacity to the new jail, and 3) "farming out" prisoners to other agencies for a fee when the need arises. Major Cowart suggested that the study would aid either the current or a future Board in deciding how to address potential overcrowding at the jail. Commissioner Horgan asked if the need was time-sensitive, or could the findings be implemented at a later date. Major Cowart replied that he did not believe steps to accommodate overpopulation at the jail would have to be addressed in the immediate future, however, he said there was no way to tell how soon measures would have to be taken. Commissioner Brown suggested that the Board should allow this request to be considered in January after the new Board was sworn in. He added that he had mentioned to some of the newly elected Commissioners about the possibility of creating a Citizens Committee, which would include members of the Fayette County Sheriff's

Office and members of the County Government, in order to have a thorough overview of the situation. After some discussion, Chairman Frady said he did not intend to hold off a decision for new Board. Commissioner Horgan agreed saying it would be wrong for the Board to stop making decisions until the new Board was sworn in. He stated that, given the possibility of overcrowding in the jail and the possibility of having to pay \$50.00 per inmate per day to have inmates housed at some other location, the County should have the study done so that it could be available for the next Board of Commissioners, a Citizens Committee, or any similar body.

Commissioner Horgan moved to approve the request from the Sheriff's Department- Jail Division to authorize Mallet Consulting, Inc. to provide an Expanded Needs Assessment Report for the "Old Inmate Housing Pod," in the amount of \$4,750.00, and authorization for the Chairman to sign a contract or related documents contingent upon the County Attorney's review. Commissioner Hearn seconded the motion.

County Clerk Floyd Jones noted that funding for the request included a recommendation that the \$4,750 be designated from the General Fund's unassigned fund balance.

Commissioner Horgan amended his motion to approve the request from the Sheriff's Department- Jail Division to authorize Mallet Consulting, Inc. to provide an Expanded Needs Assessment Report for the "Old Inmate Housing Pod," in the amount of \$4,750.00 utilizing the General Fund's unassigned fund balance, and to authorize the Chairman to sign a contract or related documents contingent upon the County Attorney's review. Commissioner Hearn seconded the amended motion. No discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

#### **NEW BUSINESS:**

- 1. Consideration of staff's request to award Proposal #P842 to ABLE Contracting, Inc., to install an energy-efficient commercial roofing system for both the Fayette County Administrative Complex and the Fayette County Water System, at an aggregate cost of \$153,249.00, and to authorize the Chairman to sign the contract or any related documents contingent upon the County Attorney's review.**

Director of Maintenance Greg Ownby reported that the roofs at both the Fayette County Administrative Complex and the Fayette County Water System are leaking, and that he recommended the installation of a seamless, commercial roofing system for both buildings that would be both waterproof and energy-efficient. He explained the bid process, how many vendors responded to the invitations to bid, and why he chose the second lowest bidder, ABLE Contracting. He explained that ABLE Contracting did not have any unknown, hidden costs like the low bidder has, and that after talking to the various bidders, he liked ABLE Contracting's approach better than the others. He closing by informing the Board that ABLE Contracting would provide a 10-year warranty on their work, and that the warranty could be renewed after a simple recoating.

Commissioner Hearn asked Mr. Ownby to explain the process of reroofing both buildings, how the process would address cap flashing, and if new cap flashing would be installed. Mr. Ownby explained the process and said he thought new cap flashing would be installed, but could not verify it. Commissioner Brown, agreeing with Commissioner Hearn, suggested that a motion to approve the work should include cap flashing, and if it is later determined that the bid does not include cap flashing then staff could return to the Board for further consideration.

Commissioner Brown moved to approve staff's request to award Proposal #P842 to ABLE Contracting, Inc. to install an energy-efficient commercial roofing system for both the Fayette County Administrative Complex and the Fayette County Water System, at an aggregate cost of \$153,249.00, and to authorize the Chairman to sign the contract or any related documents contingent upon the County Attorney's review, and contingent that the builder's recommendation includes cap flashing as part of their bid. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

**2. Consideration of staff's request to award Bid #841- Bridge Construction Over Whitewater Creek on the Veteran's Parkway (SPLOST Project # R-5C), to the low bidder, McCarthy Improvement Company, in the amount of \$1,863,682.80, and authorization for the Chairman to sign the contract or related documents contingent upon the County Attorney's review.**

Public Works Director Phil Mallon reminded the Board that on July 26, 2012 it had awarded a contract to Heath & Lineback to consult on construction, engineering, and inspection services for two bridge projects. He said that this request, for a bridge over Whitewater Creek, was for one of the two bridge projects and that it was part of the West Fayetteville Bypass also known as Veterans Parkway. He informed the Board that four vendors did bid on the work, and that staff recommended the low-bidder, McCarthy Improvement Company, be awarded Bid #841. Commissioner Hearn asked if Mr. Mallon had checked the low-bidder's references, and if he felt confident that they would do a good job for the County. Mr. Mallon answered that as part of the procurement process, staff had reviewed the company and its references.

Commissioner Horgan moved to approve staff's request to award Bid #841- Bridge Construction Over Whitewater Creek on the Veteran's Parkway (SPLOST Project #R-5C), to the low bidder, McCarthy Improvement Company, in the amount of \$1,8563,682.80, and to authorize the Chairman to sign the contract and / or related documents contingent upon the County Attorney's review. Commissioner Hearn seconded the motion.

Commissioner Brown stated he would be consistent and not vote in favor of the request. Commissioner McCarty added that he agreed with Commissioner Brown and, since this work was part of the West Fayetteville Bypass Project that he thought should be stopped, he could not vote for it.

The motion to approve staff's request to award Bid #841- Bridge Construction Over Whitewater Creek on the Veteran's Parkway (SPLOST Project #R-5C), to the low bidder, McCarthy Improvement Company, in the amount of \$1,863,682.80, and to authorize the Chairman to sign the contract and / or related documents contingent upon the County Attorney's review passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

**3. Consideration of the Water Committee's recommendation to install 1,100 feet of waterline to the Strathmore subdivision, to award the installation of the waterline to the County's annual waterline contractor, Shockley Plumbing, at an estimated cost between \$40,000 to \$50,000, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review.**

Water System Director Tony Parrott explained to the Board that there is a high-pressure water line that comes from the Crosstown Water Treatment Plant that is used to deliver water to the water storage tank located at Highway 92. He explained that eight pressure reducing valves, or PRVs, have been installed for various shopping centers, subdivisions, or road (such as Quarters Road) that are along the length of the high-pressure water line, and that this request was an opportunity to "get rid of one of the PRVs". He told the Board that PRVs are high-maintenance pieces of equipment, and that the one under consideration needs to be replaced due to its age and quality, and that this request was intended to reduce the maintenance costs associated with PRVs. Chairman Frady asked the request ranged from \$40,000 and \$50,000. Mr. Parrott replied that the work would be conducted by Shockley Plumbing, who is the County's waterline contractor, but that he was reluctant to provide an exact cost since he does not have existing engineering plans for the work. He added that before he could have engineering plans drawn up, he would have to have the Board's approval to do so. Commissioner Hearn asked was the cost of a PRV, and Mr. Parrott replied that a PRV costs between \$8,000 and \$10,000. Commissioner Brown asked why the County should pay for the work instead of the subdivision. Mr. Parrott answered that the County owns the PRV, that the maintenance responsibility rests with the County, and that the developer is no longer responsible for its maintenance. Discussion followed.

Commissioner Horgan moved to approve the Water Committee's recommendation to install 1,100 feet of waterline to the Strathmore subdivision, to award the installation of the waterline to the County's annual waterline contractor, Shockley Plumbing, at an estimated cost between \$40,000 and \$50,000, with costs not to exceed \$50,000, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review. Commissioner Hearn seconded the motion.

Commissioner Brown asked where the funding would come to pay for the request. Mr. Parrott replied that funding was budgeted for the Water System's Renewal and Extension Fund. Commissioner Horgan asked when final numbers would be available for the request. Mr. Parrott replied he would have an exact price in approximately three weeks.

The motion to approve the Water Committee's recommendation to install 1,100 feet of waterline to the Strathmore subdivision, to award the installation of the waterline to the County's annual waterline contractor, Shockley Plumbing, at an estimated cost between \$40,000 and \$50,000, with costs not to exceed \$50,000, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review passed unanimously. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

**4. Consideration of the Water Committee's recommendation to award an Environmental 404 study for the dredging project at Lake Peachtree to Kennedy Engineering & Associates Group, at an estimated cost of \$23,627.32, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review.**

Water System Director Tony Parrott reminded the Board that it has a contract with the City of Peachtree City to dredge Lake Peachtree every eight years or as needed. He explained that this dredging work was different from previous dredging works since there are currently more environmental requirements than there have been in the past. He told the Board that, in order to meet the environmental requirements, it needed to hire a consultant to conduct an Environmental 404 study. He briefly identified some of the environmental concerns that might be encountered or discovered by the study, and he emphasized that the study was necessary in order to proceed with dredging Lake Peachtree. He also reminded the Board that going through a bid process is not required for using professional services, that the recommended firm is competent and has done similar

work previously at other locations, and that the Water Committee was supportive of this request. Discussion followed during which Mr. Parrott informed the Board that the entire dredging work would eventually cost Fayette County more than one million dollars.

Commissioner Hearn moved to approve the Water Committee's recommendation to award an Environmental 404 study for the dredging project at Lake Peachtree to Kennedy Engineering & Associates Group, at an estimated cost of \$23,627.32, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review. Commissioner Horgan seconded the motion.

Commissioner Brown said he would have preferred that all of the work associated with the dredging project had been "lumped together and bid out." He said he had issues with professional services since the County has not bid out professional services for a long time. He concluded that he would not vote for the request since he saw "dollar figures coming by the dais," none of them are bid out, and the Board does not know if the professional services are even competitive.

The motion to approve the Water Committee's recommendation to award an Environmental 404 study for the dredging project at Lake Peachtree to Kennedy Engineering & Associates Group, at an estimated cost of \$23,627.32, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review passed 4-1 with Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

#### **ADMINISTRATOR'S REPORTS:**

There was no Administrator's Report given.

#### **ATTORNEY'S REPORTS:**

There was no Attorney's Report given.

#### **STAFF REPORTS:**

**Peachtree City's Annexation Request:** Director of Community Development Pete Frisina reported that the City of Peachtree City recently notified Fayette County that it had received a request from Southern Pines Plantation Group to annex a 77.10-acre tract of land currently located in unincorporated Fayette County, and to rezone the property for residential and office use. He explained that Fayette County had thirty days to reply to the City of Peachtree City if the Board chose to object to the annexation request. He explained that the reason this issue was being brought up as a Staff Report was because an answer was due to the City of Peachtree City on September 28, 2012, that the answer could only legally be delivered through Certified Mail or statutory courier, and that the next Fayette County Board of Commissioner's meeting (which would be held on September 27, 2012) would provide essentially no time to object to the annexation request. Mr. Frisina then discussed the aspects of the annexation request and the legal recommendations that must be met in order to lodge a proper objection to an annexation request, before he answered questions from the Board.

Commissioner Brown spoke of several concerns he had with the request including: 1) increased density in the southwestern portion of Fayette County, 2) the land was not intended for residential purposes, 3) the land could be used to house corporate headquarters instead of residential structures, and 4) new houses would put pressure on the current home market in Fayette County. Commissioner Brown suggested that this request was not in the best interest of Fayette

County since the County was spending money trying to encourage corporations to move into it while at the same time limiting the number of suitable locations where the corporations could go in Fayette County. He acknowledged that Fayette County was unable to stop the annexation as requested, but suggested that the Board send a message to the City of Peachtree City to think about its long-term opportunities for housing corporate headquarters and attracting businesses to the County. After further discussion, the Board consented to not object to the annexation request. A copy of the annexation request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

#### **COMMISSIONERS' REPORTS:**

**Chairman Frady:** Chairman Frady referred to Ms. Kristin Holm's public comments by reminding the audience that, while she mentioned three of the Commissioners had been voted out of office, he had, in fact, not been voted out of office since he did not run for reelection.

**Commissioner Brown:** Commissioner Brown reported that on Monday, September 10, 2012, the Peachtree City Water and Sewer Authority (WASA) voted to refinance their current outstanding bonds with only their own funds without using the City of Peachtree City to back those bonds. He said there are some extremely serious implications with that vote since WASA has, on several occasions, tried to expand the sewer system into Coweta County. He said there is a current land plan in Coweta County for the eastern side of the County, next to Peachtree City, that calls for what amounts to a "small city-sized population" in terms of residential and commercial zoning. He added that there is a possibility that the sewer will be extended into southern Fayette County as well, and will radically change the density patterns that Fayette County has come to accept in its Land Use Plan. He said there are no controls on what WASA can do since the authority's members are not elected by the citizens, and until their terms expire, they cannot be replaced. He said the County and the citizens of Fayette County need to be aware of the situation, that the City of Peachtree City may take actions to curb WASA's intentions, and the city may ask assistance from Fayette County.

#### **EXECUTIVE SESSION:**

There was no Executive Session.

#### **ADJOURNMENT:**

Commissioner Hearn moved to adjourn the September 13, 2012 Board of Commissioners meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The September 13, 2012 Board of Commissioners meeting adjourned at 8:31 p.m.

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Floyd L. Jones, County Clerk

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Herbert Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of September 2012.

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Floyd L. Jones, County Clerk