



BOARD OF COMMISSIONERS

Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
Robert Horgan
Peter Pfeifer



STAFF

Christine Venice, County Admin.
William R. McNally, Attorney
Carol Chandler, Executive Asst.
Peggy Butler, Executive Assistant
Karen Morley, Chief Deputy Clerk



MEETING LOCATION

Administrative Complex
Commission Meeting Room
140 Stonewall Avenue
Fayetteville, GA



MEETING TIMES

1st Wednesday each month at
3:30 p.m.
2nd and 4th Thursday each month
at 7:00 p.m



COMMISSION OFFICE

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The Agenda of Actions

BOARD OF COMMISSIONERS

SEPTEMBER 28, 2006

7:00 P.M.

Chairman Dunn called the meeting to order, offered the Invocation and led the pledge to the Flag.

PUBLIC HEARING:

A. Consideration of a Packaged Beer and Wine Sales Permit for BP Food Mart, 166 Corinth Road, Jonesboro, Georgia. Shiraz M. Aly, Owner/Applicant. This property is located in Land Lot 182 of the 5th District, fronts on Hwy. 54 East and Corinth Road, and is zoned C-H. This request is for a New Location.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER HORGAN TO APPROVE THE REQUEST FOR A PACKAGED BEER AND WINE SALE PERMIT FOR BP FOOD MART, 166 CORINTH ROAD, JONESBORO, GEORGIA. THE MOTION CARRIED 5-0.

B. Consideration of Petition No.1181-06, Brent Scarbrough, President of Fayette Youth Protection Home, Inc., Owner, and Don Phillips, Agent, request to rezone 2.81 acres from C-C Conditional to O-I to develop office institutional uses. This property is located in Land Lot 250 of the 5th District and fronts on Hwy. 279 and Twiggs Way. The Planning Commission recommended approval subject to two (2) conditions. Staff recommended approval with two (2) conditions.

ON MOTION MADE BY COMMISSIONER PFEIFER, SECONDED BY COMMISSIONER FRADY TO APPROVE PETITION NO. 1181-06 AS PRESENTED WITH TWO RECOMMENDED CONDITIONS. THE MOTION CARRIED 5-0.

C. Consideration of Petition No.1182-06, Rose M. King, Trustee, Owner, and Charles H. Jackson, Agent, request to rezone 10.18 acres from A-R to R-75 to develop four (4) single-family dwelling lots. This property is located in Land Lot 225 of the 13th District and fronts on Wagon Wheel Trail. The Planning Commission recommended approval subject to one (1) condition. Staff recommended approval subject to one (1) condition.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER HORGAN TO APPROVE PETITION NO. 1182-06 AS PRESENTED WITH ONE RECOMMENDED CONDITION. THE MOTION CARRIED 5-0.

OLD BUSINESS:

D. Consideration for approval of an updated Military Leave Policy.

ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE UPDATED MILITARY LEAVE POLICY AS PRESENTED. THE MOTION CARRIED 5-0.

E. Discussion and adoption of the Fayette County Multi-Use Path and Bicycle Shoulder Plan.

ON MOTION MADE BY COMMISSIONER PFEIFER, SECONDED BY COMMISSIONER WELLS TO ADOPT THE FAYETTE COUNTY MULTI-USE PATH AND BICYCLE SHOULDER PLAN AS PRESENTED. THE MOTION CARRIED 5-0.

F. Further discussion of the organizational assessment by the U.G.A. Carl Vinson Institute of Government of the present County departmental structure and recommended changes.

COMMISSIONER FRADY REQUESTED THAT THIS ITEM BE TABLED TO THE OCTOBER 4, 2006 BOARD OF COMMISSIONERS' MEETING.

CONSENT AGENDA: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED 5-0.

1. Approval of staff's recommendation to reclassify the Accounting Tech position within the Finance Department to Inventory Analyst effective October 1, 2006.
2. Approval of staff's recommendation to write off \$13,261.72 of ambulance transport services revenue in fiscal year 2006.
3. Approval of the staff's recommendation to award the engineering design and construction plans for Old Road to Mallett Consulting for \$23,500 to be paid from Contingency.
4. Approval of staff's recommendation for a FY2007 budget transfer of \$1,591 from Salaries to Technical Services to cover the cost of a temporary employee for the Road Department.
5. Consideration of approval for the specified streets in Brechin Park Subdivision to be authorized for the use of motorized cart travel per Ordinance 95-10, Streets in Brechin Park Subdivision include: Brechin Drive, Bontura Drive, Bramlet Court, Fenhurst Point and Densmorr Ridge.
6. Approval of staff's recommendation to use appropriated funds for voting machines for the following: Purchase five express poll units (\$12,500) and port switches (\$125) for a total of \$12,625 with funds originally appropriated for the purchase of 50 additional voting machines.
7. Approval of staff's recommendation for authorization that the Chairman of the Board of Commissioners sign the Agreement for Services from McIntosh Trail MH/DD/SA Services for FY 2007 with appropriated funds approved in the FY 2007 budget.

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8. Approval to transfer \$3,784 from Building and Grounds Maintenance budget line item for janitorial/cleaning services FY 2007 to the E-911 budget.
9. Approval of staff's recommendation to transfer \$140 from Contingency to cover budget shortage for the Georgia Forestry Commission budget for FY 2007.
10. Approval of staff's recommendation to transfer \$662.96 from FY 2006 Contingency to the Insurance and Bond Services Account to pay Insurance Deductibles for Law Enforcement (\$10,000)/Public Officials (\$17,708.96).
11. Approval to award the bid for Kenwood Park Phase I Site Work to the low bidder, Massana Construction LLC in the amount of \$1,765,890 and authorization for execution of a subsequent contract by the Chairman.
12. Approval of minutes for Board of Commissioners' Special Called Budget Meeting held on May 3, 2006.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

Assunto Banks: Assunto Banks, 455 Revena Trail in Ellen's Ridge Subdivision, Fayette County. Mr. Banks expressed concern with several issues. He felt there was a blurred line in transitioning from Fulton County into Fayette County. He asked the Board to consider hiring more inspectors for enforcement in order to keep up with the growth in Fayette County so it could continue as the model for other communities.

STAFF REPORTS:

TRANSFER OF CONTRACTS FROM A.P.A.C. TO CW MATTHEWS COMPANY, INC.: Attorney McNally said there were three outstanding contracts involving A.P.A.C. Southeast, Inc. for road patching, lane improvements on S.R. 279 at the Kenwood Park entrance, and the 2006 County Patching and Resurfacing Agreement. He noted that A.P.A.C. had been purchased by CW Matthews Contracting Company, Inc. and they have executed assignment of those projects as well as the payment of those projects to CW Matthews. He asked for the Board's consideration to authorize the Chairman to execute assignment of these contracts to CW Matthews Company, Inc.

ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER PFEIFER TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE ASSIGNMENT FOR THE TRANSFER OF THESE CONTRACTS FROM A.P.A.C. TO CW MATTHEWS COMPANY, INC. THE MOTION CARRIED 5-0.

UPDATE OF THE 401 WATER WITHDRAWAL PERMIT FOR LINE CREEK: Attorney McNally reported that on September 6, 2006 the Department of Natural Resources notified Fayette County that a 401 Permit had been issued by the State for the withdrawal of water from Line Creek. He said two permits were required for the County to complete the project including a 401 Permit from the State and a 404 Permit from the U.S. Army Corps of Engineers. He said the County had not yet received the 404 Permit and efforts were continuing.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss four legal items.

Commissioner Frady requested an executive session to discuss one real estate matter.

EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY CHAIRMAN DUNN TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS FOUR LEGAL ITEMS AND ONE REAL ESTATE MATTER. THE MOTION CARRIED 5-0.

LEGAL: Attorney McNally discussed a legal item with the Board.

THE BOARD TOOK NO ACTION ON THIS MATTER.

LEGAL: Attorney McNally reported to the Board on a legal item.

THE BOARD TOOK NO ACTION ON THIS MATTER.

LEGAL: Attorney McNally discussed a legal item with the Board.

IT WAS THE CONSENSUS OF THE BOARD THAT ATTORNEY MCNALLY PROCEED IN THIS MATTER.

LEGAL: Attorney McNally discussed a legal item with the Board.

THE BOARD TOOK NO ACTION ON THIS MATTER.

REAL ESTATE: Commissioner Frady reported to the Board on a real estate matter.

THE BOARD TOOK NO ACTION ON THIS MATTER.

EXECUTIVE SESSION: ON MOTION MADE BY COMMISSIONER WELLS, SECONDED BY COMMISSIONER FRADY TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT FOUR LEGAL ITEMS AND ONE REAL ESTATE MATTER WERE DISCUSSED IN EXECUTIVE SESSION. THE MOTION CARRIED 5-0.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 7:45 p.m.

Karen Morley, Chief Deputy Clerk