# Minutes

Board of Commissioners
June 26, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, June 26, 2008, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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| **Commissioners Present:** | Jack Smith, Chairman<br>Herb Frady, Vice-Chairman<br>Robert Horgan<br>Eric Maxwell<br>Peter Pfeifer |
| **Staff Present:** | Jack Krakeel, Interim County Administrator<br>Scott Bennett, County Attorney<br>Carol Chandler, Executive Assistant<br>Karen Morley, Chief Deputy Clerk |

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Commissioner Frady called the meeting to order.
Chairman Smith entered the meeting at this time.
Commissioner Pfeifer offered the Invocation.
Pledge of Allegiance.

**ACCEPTANCE OF AGENDA:**

Commissioner Frady made a motion to accept the agenda as presented. Commissioner Horgan seconded the motion, discussion followed. Interim County Administrator Jack Krakeel requested "item H" under Old Business regarding the Bond Advisory Committee's recommendation on the agenda be removed to a future date. He said staff was still in the process of gathering additional information and currently waiting on several pricing quotes for elements of this refinancing. He said as soon as this information was received, staff would be prepared to move forward and bring a recommendation to the Board. Commissioner Frady amended his motion to exclude item H, Commissioner Horgan amended his second to exclude item H and Chairman Smith called the question. The motion carried 5-0.

**PRESENTATION/RECOGNITION:**

**PRESENTATION OF CITIZENS AWARD AND THE AMERICAN HEART CPR HERO AWARD:**

A. Presentation of Citizens Award for heroic actions by six year old Haden Stusak who pulled his friend, Josiah Buddha, age 5, from the deep end of a swimming pool, and the American Heart CPR Hero

Award to Kalan Edwards, Shaine Catillo and Maria Yubetta for successfully administering Cardio Pulmonary Resuscitation (CPR) to Josiah.

Acting Chief Allen McCullough introduced the 911 operators who were on duty that day as well as the 911 Emergency Services crew for Engine 7. He also recognized Kim Nichols with the American Heart Association. He noted that Kim was the Emergency Cardiovascular Care Program Manager for the State of Florida as well as the State of Georgia who presented the American Heart CPR Hero Award to Kalan Edwards, Shaine Catillo and Maria Yubetta for administering CPR to Josiah Buddha. Acting Chief McCullough presented Haden Stusak with the Citizens Award for his heroic actions in rescuing Josiah Buddha on May 31, 2008 at a pool party.

**RECOGNITION OF THE AMATEUR RADIO EMERGENCY SERVICES GROUP:**

B. Recognition of the Amateur Radio Emergency Services Group (ARES) which has participated in the 911 Practitioner Program, including recognition of 911 personnel and others who have assisted in the training of this group.

The Board recognized the Amateur Radio Emergency Services Group who participated in the 911 Practitioner Program and also recognized the 911 personnel and others who assisted in the training of this group. The members recognized for their efforts in this endeavor were members of the local ARES organization who have participated in this project: Lynn Bianco, David Benoist, George Knight, Huey Kenmar, David Alread, Jim Lynch, Brian Cook, Jim Burchfield and Lewis Patterson. Also recognized were Tyrone Police Chief Brandon Perkins who provided the Security and Integrity training and testing; 911 Center staff Nicole Smith for providing the call taking classes, and especially Cathy Crenshaw who went above and beyond with her time and patience in getting all the volunteers through the G.C.I.C. training, workbooks and testing.

**PROCLAMATION FOR NATIONAL THERAPEUTIC RECREATION WEEK:**

C. Proclamation for National Therapeutic Recreation Week July 7 through July 11, 2008.

Chairman Smith read and the Board presented a Proclamation recognizing National Therapeutic Recreation week of July 7 through July 11, 2008. A copy of the Proclamation, identified as “Attachment No. 1", follows these minutes and is made an official part hereof.

Director of Recreation Anita Godbee remarked that the Recreation Department’s therapeutic division involved more than 200 intellectually disabled individuals who are citizens of this community. She said because of the support they receive from the Board of Commissioners and staff, recreation can be provided for these individuals which helps them achieve a quality lifestyle that they can enjoy and expect.

**PUBLIC HEARING:**
**RESOLUTION NO. 2008-10 - ADOPTING THE BUDGET FOR FY 2009:**

D. Public Hearing and final consideration of Fayette County’s proposed annual budget for fiscal year 2009 beginning July 1, 2008 and ending June 30, 2009.

Chief Financial Officer Mary Holland remarked that staff was asking the Board for consideration to adopt the proposed FY 2009 budget by adopting Resolution No. 2008-10. She read the Resolution for the Board and the audience.

Chairman Smith remarked that this was a public hearing and anyone wishing to speak on this item could do so at this time.

Alice Jones commented that she was highly disappointed that zero dollars had been appropriated to the Phase II of Kenwood Park and not even call boxes being considered for the park given the location of its construction. She noted the recommendations by the Recreation Commission and staff to appropriate $1.4 million and $10,000 for the call boxes. She said the homeowners in that area had fought hard to make sure that there were accountable measures given in the entire County's operating budget considering the percentage of tax dollars that come from the North side of the County. She felt that most individuals did not have all of the County at heart and it was evidenced here. She said she was speaking to the Board not just on her behalf but on behalf of all of the residents of the North Fayette area. She remarked that Phase I of the park was completed and there was not even a building for the staff to operate out of. She said she did not feel that this was futuristic. She noted that there was not really anything that would generate revenue for this park except for the pavilion and the cost therein was very minimal. She said she did not know if the budget was a "done deal" but she felt this was not right considering the percentage of revenue that was generated from the North side of the County.

Chairman Smith asked if anyone else wished to speak on the proposed budget.

Gary Swilley said he wanted to thank the Board for all of their effort and everything they have done for the County. He said he also wanted to remind the Board of the responsibility that each member carried in representing the citizens of this County. He said the budget was one of the major issues that was in his heart tonight and he wanted to encourage the Board to give it a lot of thought. He said with the situation that this Country was in, what he was facing due to his lack of income and the burden that all of the other citizens of this County were facing, he just wanted to remind the Board of Commissioners that they were here to serve the citizens and the citizens were not here to serve the Board of Commissioners. He asked the Board to really give this budget some thought and he pointed out that this starts with him coming forward tonight to speak his honest feelings and also starts with the Board of Commissioners and the accountability that all of us will have to bear. He said the Board could spend all of the money this year leaving none for next year, or it could spend a little this year and leave some for next year's budget.

Chairman Smith asked Mr. Swilley if there was a particular area of the budget where he had some concern.

Mr. Swilley replied no, that he had not seen or read the budget other than what he had read in the newspaper and comments he had heard. He said he knew for a fact that the budget was high figures.

Chairman Smith interjected that the proposed budget was a 6.1% decrease from last year's budget.

Mr. Swilley said he was aware of that fact but pointed out that the Board still needed to keep in mind the increasing costs for everything.

Commissioner Frady interjected that the 6.1% decrease in the budget equated to approximately $7 million. He said the Board would do everything it could to keep costs down for the citizens.

Chairman Smith asked if there were any more comments. Hearing none, he asked for the Board's pleasure on this issue.

Commissioner Frady made a motion to authorize the Chairman to execute Resolution No. 2008-10 adopting the budget for FY 2009 beginning July 1st in the amount of $79,526,262. Commissioner Horgan seconded the motion, discussion followed.

Commissioner Pfeifer said he would be voting against the budget because in his opinion the personnel costs were too high and this was due to the salary increases that were given by this Board. He pointed out that salary increases would be a permanent and growing part of the budget. He said the increases were too much and done in the wrong year.

Commissioner Maxwell commended Ms. Holland, the Finance staff as well as the Interim County Administrator Jack Krakeel for all of their hard work on preparing this budget for the Board's review and knowing that times were tough right now. He said he would be remiss if he did not respond to the comment made previously that the majority of the members of this Commission did not have the entire County in its heart. He said for someone to say that this Board did not have the interest at heart for this entire County made him furious. He said just three months ago this Board was faced with a decision regarding an issue in North Fayette County. He said the Board voted 5-0 because it was the right thing to do for that part of the community. He said he just could not allow the comment made tonight to go unchallenged. He encouraged Mr. Swilley to continue to monitor this Board and call any of the Commissioners with any questions. He said every Commissioner on this Board takes their job very seriously. He commented on the funding for Phase II of Kenwood Park and said that would involve millions of dollars that would have to be spent if and when that occurred. He said it was an incredible feat that staff was able to return a budget that was 6.1% less than last year and typically did not occur in government. He said he would encourage anyone to monitor this Board and also attend the budget hearings that were held every year discussing the budget.

Commissioner Frady interjected that no money was budgeted for the South side recreation either.

Chairman Smith remarked that he would like to make some comments concerning the budget as well as the wage and compensation study. A copy of his remarks, identified as "Attachment No. 2", follow these minutes and are made an official part hereof. He also commended Ms. Holland, the Finance staff, the Interim County Administrator Jack Krakeel, and the entire Fayette County leadership team including the constitutional officers for a job that he considered to be very well done.

The motion carried 4-1 with Commissioner Pfeifer voting in opposition. A copy of Resolution No. 2008-10, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**PETITION NO. 1209-08, PETITION NO. 1210-08, RDP-009-08 AND RP-042-08:**

E. This is a land exchange of 1.03 acres between Heron's Landing Homeowners Association, Inc. and Jamie Oden. This land exchange will involve a rezoning from C-S to A-R; a rezoning from A-R to C-S; and a Revised Development Plan and a Revised Final Plat, both to remove 1.03 acres and to add 1.03 acres.

Consideration of Petition No. 1209-08 Heron's Landing Homeowners Association, Inc., Owners, and Eddie Wilkerson, Agent request to rezone 1.03 acres from C-S to A-R to add to an adjacent lot zoned A-R and Petition No. 1210-08 Jamie Oden, Owner, and Eddie Wilkerson, Agent request to rezone 1.03 acres from A-R to C-S to add as Conservation Area to Heron's Landing Subdivision. These properties are located in Land Lot 29 of the 5th District and fronts on Old Senoia Road; and consideration of Petition No. RP-042-08 and Petition No. RDP-009-08 Heron's Landing Homeowners Association, Inc., Owners, and Eddie Wilkerson, Agent request to revise the Recorded Final Plat and the approved Development Plan of Heron's Landing Subdivision to remove 1.03 acres and to add 1.03 acres to Heron's Landing Subdivision. These properties are located in Land Lots 4 and 29 of the 5th District and fronts on Old Senoia Road. Staff recommended approval subject to two (2) recommended conditions. The Planning Commission recommended approval subject to two (2) recommended conditions 5-0.

Zoning Administrator Dennis Dutton read the rules for public hearings. A copy of the rules, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

Chairman Smith asked if the petitioner was present.

Eddie Wilkerson remarked that he was the agent for the petitioners. He said when Heron's Landing Subdivision was developed, a five-acre parcel was left close to the detention area. He said after discussing this with the Heron's Landing Homeowners Association, he asked if exactly one acre could be swapped from their green space to this piece of property. He said this would give the Homeowners Association room all the way around in case the property flooded. He said he had already received approval from all thirteen homeowners in Heron's Landing Subdivision and they had signed off on the plat. He said he was representing both sides of this application and this was a land swap for a piece of land in the green space for a piece of untouched property and the square footage of the green space was exactly as it was before. He noted that this was a completely equal land swap. He asked for the Board's consideration to approve this request.

Chairman Smith asked if anyone wished to speak in favor of these petitions. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he declared the public hearing closed. He asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve the applicant's request for all of the petitions listed in their entirety as requested including the two conditions as recommended by the Planning Commission and staff. Commissioner Frady seconded the motion, discussion followed.

Commissioner Maxwell asked for clarification from Mr. Wilkerson that he had definitely received unanimous approval from every homeowner on this request. Mr. Wilkerson replied yes, that every homeowner had signed off on this request and witnessed by a notary public.

The motion carried 5-0. A copy of the recommended conditions, Staff's Analysis and Investigation, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1209-08 with two conditions, identified as "Attachment No. 6", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1210-08 with two conditions, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

**ORDINANCE NO. 2008-05 - AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE III. DEFINITIONS, CARPORT AND PORTE COCHERE AND ARTICLE V. GENERAL PROVISIONS, SECTION 5-9. SINGLE FAMILY DWELLING, B. CARPORT AND PORTE COCHERE ADOPTED:**

F. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Carport and Porte Cochere and Article V. General Provisions, Section 5-9. Single family dwelling, B. Carport and Porte Cochere as presented by the Planning and Zoning Department. The Planning Commission recommended approval 5-0.

Zoning Administrator Dennis Dutton reviewed the amendments for the Board and remarked that this was basically a housekeeping item addressing the porte cochere portion of the ordinance. He remarked that this was a text amendment.

Chairman Smith asked if anyone wished to comment on this item. Hearing none, he declared the public hearing closed. He asked for the Board's pleasure in this matter.

Commissioner Pfeifer made a motion to approve the proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Carport and Porte Cochere and Article V. General Provisions, Section 5-9. Single Family Dwelling, B. Carport and Porte Cochere as recommended by the Planning Commission. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of Ordinance No. 2008-05, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**CONSIDERATION OF PROPOSED AMENDMENTS TO THE LAND USE ELEMENT OF THE FAYETTE COUNTY COMPREHENSIVE PLAN REGARDING THE S.R. 54 WEST OVERLAY DISTRICT:**

G. Consideration of proposed amendments to the Land Use Element of the Fayette County Comprehensive Plan regarding the S.R. 54 West Overlay District as presented by the Planning and Zoning Department. The Planning Commission recommended approval to recommendation #1 with revisions 4-1. The Planning Commission recommended deleting recommendation #2 in its entirety 5-0.

Assistant Director of Planning and Zoning Tom Williams reviewed the proposed amendments to the Land Use Element of the Fayette County Comprehensive Plan regarding the S.R. 54 West Overlay District. He said

since the adoption of the Overlay District in 1995 there had been three rezoning requests for rezoning from residential to office/institutional for lots within recorded subdivisions. He said one of these requests had been approved and two were denied. He said on March 5th the Board of Commissioners had approved an initiation of a work effort to amend the overlay district to clarify the County's position for rezoning requests within recorded residential subdivisions. He said the proposal before the Board was approved and recommended by the planning staff and the Planning Commission.

Commissioner Frady asked if a lot less than five acres should not be considered for change from residential to O-I.

Mr. Williams replied if a lot was part of a recorded subdivision, it would be considered for rezoning under that circumstance.

Commissioner Frady said he would not be in favor of any residential lot going to O-I zoning under any conditions.

Chairman Smith questioned the difference in the planning staff's recommendation and the recommendation of the Planning Commission.

Chairman Smith asked if anyone wished to comment on this item.

John Allen Bell commented that he was not in favor of either staff's recommendation or the Planning Commission's recommendation. He felt this needed more discussion before a decision was made.

Chairman Smith asked if anyone else wished to speak. Hearing none, he declared the public hearing portion closed. He remarked that the County has a long standing policy that the County will not take a lot in an existing subdivision and change the zoning. He noted that staff had determined that there were some lots in the County that did not have subdivision access and this was an attempt to address those lots.

After a brief discussion, Commissioner Maxwell remarked that since Mr. Bell had voiced some objection to the recommendations, he did not want to move forward and suggested this matter be placed on the July 2nd Board of Commissioners' Workshop for further discussion. He said he would like to have staff as well as the County Attorney address these issues.

Commissioner Frady said he agreed with Commissioner Maxwell and felt the Board needed further discussion. He expressed concern that a business might be located in someone's backyard.

Commissioner Pfeifer said he also agreed with Commissioner Maxwell and felt this issue was not clear enough for the Board to vote on tonight.

Commissioner Maxwell made a motion to table this item to the Wednesday, July 2nd Board's Workshop meeting for further discussion. Commissioner Horgan seconded the motion. The motion carried 5-0.

**PUBLIC COMMENT:**
There was none.

**CONSENT AGENDA:** Commissioner Pfeifer requested to remove item no. 6 for discussion. Commissioner Pfeifer made a motion to approve the consent agenda item nos. 1-5 as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

**SHERIFF'S DEPARTMENT:**
1. Approval of request from the Sheriff's Department Traffic Enforcement Division to dispose of various unserviceable uniform items. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

**SHERIFF'S DEPARTMENT:**
2. Authorization to amend Overtime Budget Account for the Fayette County Sheriff's Office Criminal Investigation Division to reflect salary reimbursement from federal agencies. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**911 COMMUNICATIONS - NICE CRS SOLUTION MAINTENANCE AGREEMENT:**
3. Approval of staff's recommendation to accept the NICE CRS Solution Maintenance Agreement for 911 Communications in the amount of $22,634.36 for a term of July 1, 2008 through June 30, 2009. This agreement was previously approved for a different time period but was renegotiated to coincide with the County fiscal year of July 1 through June 30. A copy of the request and the Agreement, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

**RECREATION DEPARTMENT:**
4. Approval of staff's request to utilize contingency funds in the amount of $5,000 to pay the insurance deductible for electrical services needed to pay for lightning damage to the field lighting system at McCurry Park. The total in damage is $5,524.90. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**WATER SYSTEM:**
5. Approval of request from the Water System Director to apply for funds from the Georgia Water Supply Competitive Grant Program administered by the Georgia Environmental Facilities Authority. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

**MINUTES:**
6. Approval of minutes for Board of Commissioners' meetings held on June 4, 2008 and June 12, 2008.

Commissioner Pfeifer made a motion to approve the minutes for the June 12, 2008 Board of Commissioners meeting and not approve the minutes for June 4, 2008 because of the format that they were taken down in and it not being very descriptive of what occurred in that meeting. He said he was unaware that any official action of the Board was omitted in these minutes. He said he was also unaware of any errors in the official actions

of the Board that were included in these minutes. Chairman Smith asked Commissioner Pfeifer if he objected to the form of these minutes and Commissioners Pfeifer replied yes. Chairman Smith called he question. Motion died for lack of a second.

Commissioner Frady made a motion to approve consent agenda item no. 6 as presented. Commissioner Horgan seconded the motion, discussion followed.

Chairman Smith read a statement regarding transcription of the minutes. A copy of his statement, identified as "Attachment No. 14", follows these minutes and is made an official part hereof. He called for the vote on the motion.

The motion carried 4-1 with Commissioner Pfeifer voting in opposition.

**OLD BUSINESS:**
**DISCUSSION OF BOND ADVISORY COMMITTEE'S RECOMMENDATION TO THE BOARD OF COMMISSIONERS CONCERNING THE POSSIBILITY OF REFINANCING EXISTING WATER REVENUE BONDS:**

H. Discussion of Bond Advisory Committee's recommendation to the Board of Commissioners concerning the possibility of refinancing existing water revenue bonds.

As requested by Interim County Administrator Jack Krakeel under Acceptance of the Agenda, this item was removed.

**CONSIDERATION OF STAFF'S RECOMMENDATION TO CLOSE CAPITAL PROJECTS THAT NO LONGER REQUIRE FUNDING:**

I. Consideration of staff's recommendation to close capital projects that no longer require funding.

Chief Financial Officer Mary Holland asked for the Board's consideration to close capital projects totaling $1.6 million that no longer required funding.

Commissioner Horgan made a motion to allow staff to close all capital projects that no longer require funding. Commissioner Frady seconded the motion, discussion followed.

Commissioner Pfeifer questioned the project for the Elections Department regarding the voting equipment.

Ms. Holland replied that the election equipment had changed and it was discovered that not as many voting machines were needed as originally anticipated.

Commissioner Pfeifer questioned the Brooks walking trail and the Kiwanis Park enhancements projects being removed.

Director of Recreation Anita Godbee responded that most of the Kiwanis Park projects were already completed and came in under budget. She commented on the Brooks walking trail project and said staff discovered that there was not enough land in the area for the walking trail as previously anticipated.

Ms. Holland interjected that some of the projects listed were requested prior to 2005 and no longer needed budgeting.

The motion carried 5-0. A copy of the list of recommended capital projects no longer requiring funding, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

**NEW BUSINESS:**
**APPROVAL OF STAFF'S RECOMMENDATION TO ACCEPT THE ANNUAL SERVICE AGREEMENT BETWEEN MOTOROLA AND FAYETTE COUNTY:**

J. Approval of staff's recommendation to accept the annual service agreement between Motorola and Fayette County for the County's 800 MHz ASTRO Simulcast System Maintenance and for a contract renewal for a term July 1, 2008 through June 30, 2009 in the amount of $450,358.08. The original contract was approved with the implementation of the Simulcast System.

Acting Chief Allen McCullough asked for the Board's consideration to remove this item from the agenda tonight in order to allow staff additional time to research some additional information received tonight. Without objection the Board agreed to Acting Chief McCullough's request.

**ADMINISTRATOR'S REPORT:**
None.

**ATTORNEY'S REPORT:**
None.

**STAFF REPORTS:**
None.

**BOARD REPORTS:**
None.

**EXECUTIVE SESSION:** Interim County Administrator Jack Krakeel requested an Executive Session to discuss one matter of real estate acquisition.

Commissioner Horgan made a motion to adjourn to Executive Session to discuss one matter of real estate acquisition. Commissioner Frady seconded the motion. The motion carried 5-0.

Commissioner Horgan made a motion to adjourn the Executive Session and reconvene to open session. Commissioner Frady seconded the motion. The motion carried 5-0.

Chairman Smith remarked that there was one real estate acquisition matter discussed in Executive Session.

Commissioner Frady made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that one real estate acquisition matter was discussed in Executive Session. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

**ADJOURNMENT:**
Commissioner Horgan made a motion to adjourn the meeting at 9:10 p.m. Commissioner Frady seconded the motion. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk

Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of July, 2008.

Karen Morley, Chief Deputy Clerk