Minutes

Board of Commissioners
June 4, 2008
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia, met in a Workshop Meeting on Wednesday, June 4, 2008, at 3:30 p.m. in the Commissioners' Conference Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice-Chairman Robert Horgan Eric Maxwell Peter Pfeifer
Staff Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd Jones, Deputy Clerk

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Call to Order by Chairman.

Chairman Smith called the Wednesday Workshop Meeting to order at 3:33 p.m.

Acceptance of Agenda.

Commissioner Frady motioned to approve the agenda as presented. Commissioner Horgan seconded the motion. Chairman Smith asked for a presentation of the Strategic Plan for Fayette Senior Services to be added to New Business on the agenda. Commissioner Frady amended his motion to approve the agenda as presented and to add the presentation as requested. Commissioner Horgan seconded the motion. There was no further discussion. The motion passed unanimously.

CONSENT AGENDA:

1. **Approval to accept reimbursements from Fayetteville, Peachtree City and Tyrone for expenses resulting from the November 2007 Municipal Elections conducted by the County, as requested by the municipalities. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.**

   Commissioner Pfeifer motioned to approve the Consent Agenda with the exception of Consent Agenda Item 2. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

2. Approval of minutes for Board of Commissioners' Workshop Meeting held on May 7, 2008.

Commissioner Pfeifer reminded the Board of the discussion held during the Commissioners' Meeting on May 22 regarding the shortened version of the minutes and his announcement that he would not vote to approve minutes submitted in that format. He read a portion of the May 7, 2008 minutes and implied information was missing due to the shortened format of the minutes. Chairman Smith asked if any official action had been omitted from the minutes and Commissioner Pfeifer replied no official action had been omitted. Commissioner Frady motioned to approve Consent Agenda Item 2. Commissioner Horgan seconded the motion. Commissioner Maxwell asked what information should be added to the minutes and if he had informed staff to add to the minutes. Commissioner Pfeifer said additional information would have been included if a longer version of the minutes been prepared and he had informed staff and the Board during the meeting held on May 22 that he would not vote to approve minutes prepared in a shortened format. Chairman Smith said there was a philosophical difference in opinion occurring, that he understood Commissioner Maxwell's point, and he understood Commissioner Pfeifer's position. He said he did not agree with Commissioner Pfeifer's position since the minutes reported all official actions, as attested by Commissioner Pfeifer. Chairman Smith then called the motion to question. The motion passed 4-1 with Commissioner Pfeifer voting in opposition.

OLD BUSINESS:

A. Discussion of proposed amendments to the Fayette County Recreation Needs Assessment.

Parks and Recreation Director Anita Godbee spoke to the Board about the updated 2008 Fayette County Recreation Needs Assessment, and said the update was proposed to ensure the assessment is still a valid study and is representative of current conditions in Fayette County. She stated the assessment now included actual participation numbers in various sports, charts, and facilities in both Peachtree City and Tyrone. She highlighted some of the findings in the updated Needs Assessment such as information from the United States Census Bureau reflecting Fayette County's changing population and the inventory of existing facilities. She reported the Parks and Recreation Commission agreed on both short-term and long-term priorities and read those priorities to the Commissioners. Chairman Smith recommended that the Board should accept the updated 2008 Fayette County Recreation Needs Assessment, but not adopt the report, in order to enable the Board to have adequate time to review the report and discuss the findings therein. He thanked Ms. Godbee for her hard work and the hard work of the Parks and Recreation Commission in producing the updated Needs Assessment. Commissioner Frady motioned to accept the updated 2008 Fayette County Recreation Needs Assessment as provided by the Parks and Recreation Commission for further study. Commissioner Horgan seconded the motion. Commissioner Maxwell asked if a copy had been provided to the municipalities and the school system. Ms. Godbee replied that a copy had not yet been provided to municipalities and school system. Commissioner Maxwell said, since the Board was going to accept the updated Needs Assessment, it should be provided to them for their review as well. Chairman Smith suggested that the Board accept the report and have its questions answered before a final document was released. Commissioner Maxwell said the problem with not distributing the report to the municipalities and the school board was that they may have fairly significant input and he did not want to exclude representatives of one half of the population from having an opportunity for input. Chairman Smith replied that if the Board could work on the report until its questions were answered, it could then be released to the public for additional input. Commissioner Maxwell agreed but said he did not want to adopt the report without receiving further input. Chairman Smith agreed and said the intent would be, instead of both the Board and the public having questions all at one time, to allow the Board to answer its

questions before sending the report to the public. He did not anticipate adopting the updated Needs Assessment apart from input from the public, including the municipalities and the school board. Chairman Smith called the motion to question. The motion passed unanimously. A copy of the updated Fayette County Recreation Needs Assessment, identified as "Attachment 2", follows these minutes and is made an official part hereof.

B. Discussion of request that staff review the feasibility of adding churches as a permitted use to the M-1 Zoning Classification in the Fayette County Zoning Ordinance. This item was last discussed during the April 10th Regular Meeting.

Mr. Pete Frisina, Director of Planning and Zoning, addressed the Board about the feasibility of adding churches as a permitted use to the M-1 Zoning Classification in the Fayette County Zoning Ordinance. He said this issue was based on a citizen's request received last year asking the Board to consider adding churches to M-1 zoning districts. He said staff looked at the ordinance and took the request to the Planning Commission. He informed the Commissioners that his opinion, as well as staff's, was churches should not be allowed to operate in M-1 zoning districts. He said M-1 allows a number of uses that could produce harmful chemicals, chemical fumes, loud noise, and the potential for large trucks moving in the area. He explained that the buildings may not be built in a manner that could hold an assembly in accordance with the present fire codes without significant cost to bring the building up to code. He further added that the County has adequate room in other zoning districts that would allow churches to operate. M-1 developments, he explained, are diverse since they range from heavy industrial uses such as the industrial buildings on Bethea Road, to buildings like Storage Extra that have an O-I look to them, to Kenwood Business Park which is a subdivision where individual tenants own individual buildings. He continued saying, since churches allow many incidental uses such as day cares, private schools and parsonages, one of the biggest concerns would be the interaction of children in an industrial area, so if a church were to be included in an M-1 zone, the ordinance would need to be strictly regulated to eliminate incidental uses that are allowed in other places. Mr. Frisina then asked for the Board's direction on this issue. Some discussion followed. The Board agreed with staff's findings and agreed not to change the M-1 classification as it pertains to churches. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

C. Discussion of Fayette County Zoning Ordinance, Article V. General Provisions, Section 5-17. Height Limitation of Walls and Fences and Section 5-11. Common Area, and Article III. Definitions, Common Area, Fence, and Wall, as presented by the Planning and Zoning Department. This item was last discussed during the April 2nd Workshop Meeting.

Mr. Pete Frisina discussed the work performed by the Planning and Zoning staff, the purpose of the work, and the progress made in order to amend the Zoning Ordinance. Chairman Smith asked about the 20' corner intersection fence line regulation. Mr. Frisina said that regulation was found in other ordinances, and was being reiterated because multiple regulations could conflict with each other. Commissioner Horgan asked how the proposed amendments would affect temporary fencing found around homes under construction. Mr. Frisina answered they would be exempt from the restrictions in the ordinance. Mr. Frisina also clarified that only fences that currently did not meet the height regulation would be exempt from the proposed amendments. He said the fences currently in the right-of-way would not be exempt under the proposed amendments. Commissioner Maxwell said he thought this was an example of government out of control, that he was for limited government, and he did not want to over regulate something that did not need over regulation. He asked if the proposed amendments would legalize the concertina wire fence on

New Hope Road. Mr. Frisina said only the height of the fence, if it exceeds the height limitation, would be permitted, but since the fence was made of material that is not approved in the proposed amendments and is built in the right-of-way, that fence would be illegal under the new ordinance just as it is currently. Commissioner Maxwell said he was concerned that the County had an ordinance that had not been enforced so it was writing a new ordinance that also would not be enforced. Some discussion followed. The Board's consensus was to give the Planning and Zoning Department permission to forward the proposed amendments for public hearing before the Planning Commission and the Board of Commissioners. Commissioner Maxwell objected to the consensus. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

NEW BUSINESS:

D. Discussion of proposed amendments to the Fayette County Zoning Ordinance, Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Uses Approval, B. Conditional Uses Allowed, 23. Home Occupations, as presented by the Planning and Zoning Department.

Mr. Pete Frisina discussed the need for the proposed amendments to the Zoning Ordinance with the Board. He said staff is seeking permission to work on the ordinance and that the work would basically be a housekeeping measure to bring more uniformity to the ordinance. He explained that in residential zoning classifications, home occupations are allowed as a conditional use but, however, our Zoning Ordinance does not allow home occupations when a citizen lives in a home on a site that has a nonresidential zoning classification such as O-I, C-C or C-H. He informed the Board that there is a handful of properties in the County where homes are in nonresidential zoning districts but the property has not sold or has not been developed so the home owners are still living there. He said Planning and Zoning wants to work on the Home Occupation portion of the ordinance to allow home occupations within a home in all of the nonresidential zoning districts. He emphasized that staff's intent was to clean up the ordinance in order to allow citizens who have a nonresidential lot which contains a single-family residence to use the property in a nonresidential manner. Some discussion followed. The Board's consensus was to give Planning and Zoning permission to begin the review of the Conditional Uses to determine the feasibility of adding Home Occupation provisions to C-C, C-H, M-1, M-2 and O-I zoning districts as Conditional Uses. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

E. Discussion of the Fayette Senior Services' Strategic Business Plan as presented by Fayette Senior Services.

Ms. Debbie Britt, Executive Director of Fayette Senior Services, spoke about Fayette Senior Services' Strategic Business Plan by explaining their challenges, current services and projects, and future goals. She also distributed documentation with fast facts, an aging population growth study, strategic objectives and future objectives as they pertain to Fayette Senior Services. The Board thanked Ms. Britt for her hard work, the update she provided, and the positive impact Fayette Senior Services has in Fayette County. A copy of the Fayette Senior Services 2008 Strategic Business Plan Outline, identified as "Attachment 6", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

Inmate Medical Insurance Program: Interim County Administrator Jack Krakeel asked for authorization for the Chairman to sign the adoption agreement for the Inmate Medical Insurance Program that is being offered in association with the Association County Commissioners of Georgia (ACCG) through a partnership with Blue Cross/Blue Shield. He explained the program is a participation in the HMO rate structure for Blue Cross/Blue Shield that would be applied to bills incurred by the County for medical care that occurs outside of the Jail facility. It was anticipated, he explained, that Fayette County could achieve between 50% and 60% savings on the medical bills, adding last year's medical bills exceeded $240,000 and would probably be similar in amount this year. Mr. Krakeel said in order for the process to begin by the first of July, authorization for the Chairman to sign the adoption agreement was needed. Mr. Krakeel said once the adoption agreement was signed, the Sheriff's Department would work to set up the card program and would establish the direct relationship with the ACCG and Blue Cross/Blue Shield. Commissioner Frady motioned to authorize the Chairman to sign the adoption agreement for the Inmate Medical Insurance Program that is offered in association with the ACCG in partnership with Blue Cross/Blue Shield. Commissioner Horgan seconded the motion. Commissioner Horgan asked if the program would eliminate any other current programs in use by Fayette County. Mr. Krakeel said it would not, and explained that the County currently has a contract for medical care that occurs inside the Jail facility. He explained if someone has a medical emergency and has to be transported to the hospital or has to go to the emergency room, the County would be charged the full amount, but this new program would ensure the County would only be charged the HMO rates through Blue Cross/Blue Shield. Mr. Krakeel said it would not affect the in-house medical care program. Chairman Smith asked if there was an administrative burden associated with the program. Mr. Krakeel said there was no administrative burden at all in association with the program. He mentioned that a 7% administrative fee is charged for every transaction, but the fee charges are based on the managed care rates as negotiated by Blue Cross/Blue Shield. Commissioner Maxwell asked how the process would work. Mr. Krakeel said a card would be provided to the Jail's staff, and when an inmate had to use this program the card would be provided and processed by the hospital at that time. Commissioner Maxwell asked how this applied to State prisoners. Major Robert Glaze of the Fayette County Jail replied the same process would apply in that case and the State would have to reimburse the County just as it currently does. Mr. Krakeel emphasized the County could save approximately $125,000 to $175,000 per year with this program. Chairman Smith called the motion to question. The motion passed unanimously. A copy of ACCG's Inmate Medical Savings Program information and the adoption agreement, identified as "Attachment 7", follow these minutes and are made an official part hereof.

West Fayetteville By-Pass: Mr. Krakeel informed the Board that construction has begun on the West Fayetteville By-Pass. He said staff has been working on it very diligently since Tuesday and will begin moving dirt within days. He said the entire area has been cleared of trees and vegetation and there should be a bid for the grinding service coming within the week.

Pan Scraper Transmission Repair: Mr. Krakeel told the Board that one of the pan scrapers being used for the West Fayetteville By-Pass project has a faulty transmission that needs to be repaired. The transmission was removed from the pan scraper and sent to Yancy Brothers who estimated the cost to repair the transmission would be $26,446.14. He explained Yancy Brothers was the only authorized dealer in the Atlanta area that is able to work on the transmission, and no other vendors are willing to bid on the project. He further explained if the pan scraper were sold and another rented in its place the rental amount would be $12,750 per month, making that option cost prohibitive. He mentioned there was a $20,000 limitation on awarding a project or a service without going through a sealed bid process, but since only one vendor was available, he asked for the Board's authorization for Yancy Brothers to repair the transmission. Mr. Krakeel said general fund contingency money would pay for the repair. Commissioner Frady motioned to authorize Yancy Brothers to repair the transmission at a cost of $26,446.14 provided from contingency funds. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

Installation of Sewer Stub Line at Kiwanis Park: Mr. Krakeel reminded the Board of a discussion that began last year regarding the needs and problems associated with the septic system at Kiwanis Park. He said work has progressed on the issue and reported that the property owner that is closest to the point of connection to Fayetteville's sewer system has supplied the needed easements and has provided all of the required documentation at no cost to the County to enable the County to install the sewer line. As part of the negotiations, however, the property owner requested a 45-day limitation on the County's ability to install the sewer line since the land is in an undeveloped subdivision and the owner has concerns about the marketability of his property. Water System Director Tony Parrott added the County has an annual contract with Lance Construction that includes both hourly and equipment rates. He explained the work would require the installation of an 8" sewer line, a tie-in test, a manhole, and asphalt repair due to damage incurred to city streets during the installation process. He said the work would cost $46,610. He mentioned an additional $3,500 would be required since a plan must be prepared by an engineer. He concluded that the work would not yet connect any of the facilities at Kiwanis Park to the sewer system but it would quickly meet the 45-day limitation as negotiated to finish the work on the easement. Commissioner Frady motioned to contract with Lance Construction to install a sewer stub line at Kiwanis Park for an aggregate amount of $50,110 utilizing contingency funds. Commissioner Horgan seconded the motion. Mr. Krakeel reiterated the money for the installation would come from existing contingency funds. Mr. Krakeel said he met with Fayetteville's city officials and received their approval to formally tie into their sewer system for this purpose. Some discussion followed. Chairman Smith called for a vote on the motion. The motion passed unanimously.

Revised Copy of County Policies and Procedures Manual: Mr. Krakeel provided the Commissioners copies of the revised County Policies and Procedures Manual and said the revisions reflected input that was received from the Board. He said he was prepared to move forward in the coming weeks to request the Board's authorization to formally adopt the manual unless he received further input. He explained most of the corrections were either editorial in nature or revisions that enhanced the uniformity of existing policies and procedures. He added that individual departments may have internal policies that apply only to themselves, but items that generally affect and have public policy implications for the departments are included in the policies and procedures manual. Chairman Smith clarified the policies and procedures manual did not include all internal departmental policies but only the policies and procedures that apply to the departments in general.

ATTORNEY'S REPORT

Letter of Appreciation: County Attorney Scott Bennett returned to the previous discussion about the installation of the sewer stub line at Kiwanis Park by saying Mr. Tony Martin, the developer of Legends at Redwine, donated the sewer line easement to the County. He mentioned that an area of the basketball court has also encroached Mr. Martin's property, and Mr. Martin had donated that land to the County for no cost. He thought the donation was very kind, especially since developers are facing difficult times these days. Chairman Smith asked Executive Assistant Carol Chandler to draft a letter of appreciation to Mr. Tony Martin on behalf of the Board. Mr. Krakeel informed the Commissioners that there had been an issue with the basketball court for over 20 years but staff, Mr. Bennett and Mr. Martin were able to resolve the problem. Mr. Bennett explained the County would fence in the basketball court and place cypress trees around it to conceal it from Mr. Martin's homes. He concluded saying it was a very good deal for the county and very kind of Mr. Martin.

Resolution Authorizing Chairman to Sign Deed Covenants: Mr. Scott Bennett said, as part of the County's 404 permit for mitigation sites purchased by Fayette County in connection with Lake McIntosh, the Corps of Engineers would like assurances that the County will be willing to put covenants on the land restricting the land to mitigation use only and prohibiting the land to be used for any other purpose. He said the Corps of Engineers provided the County with model covenants and deed restrictions, but at the time there was no knowledge which model covenant

the Corps of Engineers would want Fayette County to use. He informed the Board that he had a resolution that would authorize the Chairman to sign the deed covenants once the Corps of Engineers decides what covenants it wants. He explained the resolution would authorize the Chairman to sign a set of covenants that would be no more restrictive than what is found in the model covenants as provided. Commissioner Frady motioned to adopt the resolution authorizing the Chairman to sign the deed covenants as long as they did not exceed the restrictions as found in model covenants as provided by the Corps of Engineers. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the resolution authorizing the Chairman to execute declaration of conservation covenants and restrictions, identified as "Attachment 8", follows these minutes and is made an official part hereof.

STAFF REPORTS

Update to the Proposed Fiscal Year 2009 Budget: Finance Director Mary Holland provided the Board with an update to the proposed Fiscal Year 2009 budget that was discussed on May 20, 2008, saying the update showed a $3,500 increase in revenues and a $124,246 increase in expenditures. She mentioned her update also included a copy of the newspaper notice that was provided to Fayette County's legal organ, *Fayette Daily News*. She concluded that the two required public hearings are scheduled to be held on June 12 and June 26, and that a copy of the resolution that would adopt the Fiscal Year 2009 budget was available for review. A copy of the Fiscal Year 2009 Budget Proposal as of June 4, 2008, identified as "Attachment 9", follows these minutes and is made an official part hereof.

Griffin Judicial Circuit Request: Ms. Holland informed the Board that while they were discussing the proposed 2009 Fiscal Year budget on May 20, a request was received from the Griffin Judicial Circuit to change two part-time juvenile judge positions to one full-time juvenile judge position. She gave a copy of the request and additional information to the Board. She said the Griffin Judicial Circuit had revisited their budget and made cuts to benefits related to personnel costs and expenditures that resulted in a $16,318.62 decrease in their budget. She said that decrease in the budget subsequently reduced Fayette County's proposed Fiscal Year 2009 budget by $5,368.71. She mentioned another update to their budget was received only a few hours prior to this meeting, said it was an additional reduction to the budget, and explained updates were still coming from the Griffin Judicial Circuit since they were currently reviewing their budget. She asked for the Board's direction on how to proceed with the requests coming from the Griffin Judicial Circuit. Some discussion followed. The Board's consensus was for Finance to incorporate the Griffin Judicial Circuit's request that was received on May 20 and during the afternoon of June 4 into the proposed Fiscal Year 2009 budget. A copy of the request and supplemental information from the Sixth Judicial Administrative District, identified as "Attachment 10", follow these minutes and are made an official part hereof.

BOARD REPORTS

None.

EXECUTIVE SESSION

One Real Estate Acquisition: Mr. Krakeel stated he had one real estate acquisition item to be discussed in Executive Session. Commissioner Horgan motioned to adjourn to Executive Session to discuss one item of real estate acquisition. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned into Executive Session at 5:45 p.m..

Executive Session Affidavit: The Board reconvened into Regular Session at 6:10 p.m. Chairman Smith asked for the record to reflect that the Board discussed one item of real estate acquisition and authorized staff to proceed in the matter. Commissioner Frady motioned to authorize the Chairman to sign an Executive Session Affidavit stating one item of real estate acquisition was discussed in Executive Session. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 11", follows these minutes and is made an official part hereof.

ADJOURNMENT

Commissioner Frady motioned to adjourn the Workshop Meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Smith adjourned the meeting at 6:13 p.m.

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Floyd L. Jones, Deputy Clerk **Jack Smith, Chairman**

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on June 26, 2008.

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Floyd L. Jones, Deputy Clerk