



Action Agenda

Board of Commissioners
October 22, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, October 22, 2009, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Jack Smith, Chairman
Lee Hearn
Robert Horgan
Eric Maxwell

Commissioner Absent:

Herb Frady, Vice Chairman

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Smith called the meeting to order.
Commissioner Hearn offered the Invocation.
Pledge of Allegiance.

ACCEPTANCE OF AGENDA : COMMISSIONER HORGAN MADE A MOTION TO ACCEPT THE AGENDA AS PRESENTED. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

PRESENTATION/RECOGNITION:

A. Presentation of Proclamation designating November 1, 2009 as "Retired Educators Day in Fayette County".

CHAIRMAN SMITH READ AND THE BOARD PRESENTED A PROCLAMATION DESIGNATING NOVEMBER 1, 2009 AS "RETIRED EDUCATORS DAY IN FAYETTE COUNTY" TO JAMES HAYMANS AND OTHER REPRESENTATIVES OF THE RETIRED EDUCATORS OF FAYETTE COUNTY.

B. Consideration of Petition No. 1216-09 and Petition No. RP-046-09, John Alan Bell, Owner/Agent, request to rezone Lot 18 of Lakeview Estates consisting of 1.03 acres from R-40 to O-I; and request to Change the Use of Lot 18 from single-family residential to office-institutional. This property is located in Land Lot 127 of the 5th District and fronts on SR 54 West. Due to the lack of a full board at the October 1st Planning Commission meeting, the applicant requested his petitions be tabled until the November 5th Planning Commission meeting. The Board of Commissioners should table its hearing of these petitions until its December 10th meeting.

CHAIRMAN SMITH ANNOUNCED THAT THE APPLICANT HAD REQUESTED THESE PETITIONS BE TABLED UNTIL THE NOVEMBER 5TH PLANNING COMMISSION MEETING AND THE BOARD OF COMMISSIONERS SHOULD TABLE ITS HEARING OF THESE PETITIONS UNTIL ITS DECEMBER 10TH MEETING.

- C. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding: Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay, A. SR 54 West Overlay Zone, 4. Architectural Standards, Gasoline Canopy, and C. General State Route Overlay Zone, 4. Architectural Standards, Gasoline Canopy. The Planning Commission unanimously recommended approval 3-0.

COMMISSIONER HORGAN MADE A MOTION TO APPROVE ORDINANCE NO. 2009-04 FOR AMENDING THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY, A. SR54 WEST OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS, GASOLINE CANOPY, AND C. GENERAL STATE ROUTE OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS, GASOLINE CANOPY. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

PUBLIC COMMENT:

DAVID WORLEY: David Worley commented on item E. on tonight's agenda regarding the proposed de-annexation of a piece of property consisting of 1.17 acres that was previously annexed by the City of Peachtree City. He asked for the Board's consideration to not take the action that was being proposed.

DONNA BLACK: Donna Black remarked that she was with the Firm of Scarborough and Rolader Development. She also commented on the de-annexation request on tonight's agenda. She said the annexation zoning was upheld in court and this was what Mr. Worley was appealing. She noted that the action this Firm was seeking was a lawful remedy to provide for these two parcels to be not considered islands in the County.

KEVIN CARROLL: Kevin Carroll commented on a proposal for a roundabout at Birkdale Drive and Redwine Road and with a proposed cost of \$400,000 to \$500,000. He said he was familiar with roundabouts and felt they contribute to many accidents and he suggested stop signs or a traffic signal be installed. He also commented that he saw nothing on the agenda that would address the salary situation for the teachers in Fayette County.

CONSENT AGENDA: CHAIRMAN SMITH REQUESTED CONSENT ITEM #7 TO BE REMOVED FOR DISCUSSION. COMMISSIONER HORGAN MADE A MOTION TO APPROVE THE CONSENT AGENDA ITEMS 1-6 AS PRESENTED. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

1. Approval of Sheriff's Department request for authorization to dispose of a vehicle seized through the County's participation in the State asset forfeiture program and authorization for the Chairman to execute title paperwork allowing disposal of the vehicle.
2. Approval of Sheriff's Department request to amend revenue and expenditure funds in the Technical Services Budget Account for the Criminal Investigations Division by \$5,000.00 to cover anticipated overages in the cost of providing subpoenaed information. The funds would come from the CID Investigative Services Account.

3. Approval of Sheriff's Department request to amend the Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by \$2,163.86 for reimbursement for employees assigned to work with various Federal Agencies.
4. Approval of Sheriff's Department request to allow Fayette County to be the recipient of a grant from the Wal-Mart Foundation Community Grant Program in an amount up to \$5,000 and to amend the FY 2010 Budget in Grant Revenue and Public Relations Services Accounts to recognize the grant upon receipt.
5. Approval of recommendations by the Tax Assessor's Office regarding requests for tax refunds.
6. Approval of staff's request for permission to dispose of firefighter uniforms and turnout gear that are no longer serviceable.
7. Approval of minutes for Board of Commissioners' meetings held on September 24, 2009 and October 7, 2009.

COMMISSIONER HORGAN MADE A MOTION TO APPROVE THE MINUTES FOR THE BOARD OF COMMISSIONERS' MEETING HELD ON SEPTEMBER 24, 2009. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

CHAIRMAN SMITH REMARKED THAT BOTH COMMISSIONER MAXWELL AND COMMISSIONER HEARN WERE ATTENDING EDUCATIONAL CLASSES ON THAT MEETING DATE AND WOULD NOT BE ABLE TO VOTE ON THIS ITEM AND ALSO NOTED THAT COMMISSIONER FRADY WAS ABSENT TONIGHT. HE SUGGESTED THESE MINUTES BE TABLED FOR A VOTE AT THE NOVEMBER 12TH BOARD MEETING.

OLD BUSINESS:

- D. Consideration of a request from the City of Peachtree City concerning an annexation application from Southern Pines Plantation Commercial Group, LLC for an 18 acre tract located in Land Lot 18 of the 6th District which fronts on S.R. 74 South near Rockaway Road.

THERE WAS A CONSENSUS OF THE BOARD THAT NO ACTION WOULD BE TAKEN ON THIS MATTER.

- E. Consideration of a request from the City of Peachtree City concerning an application from Brent West Village, LLC for the de-annexation of a 1.17 acre tract located in Land Lots 166, 167, 182, 183 and 184 of the 7th District. This property is generally located west of Senoia Road near the boundary between Tyrone and Peachtree City.

COMMISSIONER MAXWELL MADE A MOTION TO APPROVE RESOLUTION NO. 2009-16 STATING THAT THE FAYETTE COUNTY BOARD OF COMMISSIONERS CONSENTS TO THIS DE-ANNEXATION REQUEST FOR THE 1.17 ACRE TRACT AND FOR AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE SAID RESOLUTION. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

- F. Consideration of a request from staff for authorization to issue requests for proposals for the replacement of three ambulances.

COMMISSIONER HORGAN MADE A MOTION TO AUTHORIZE THE ISSUANCE OF REQUESTS FOR PROPOSALS FOR THE REPLACEMENT OF THREE AMBULANCES. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

- G. Consideration of Ordinance 2009-05 regarding the use of alcoholic beverages on specified county property.

COMMISSIONER MAXWELL MADE A MOTION TO APPROVE ORDINANCE 2009-05 REGARDING THE USE OF ALCOHOLIC BEVERAGES ON SPECIFIED COUNTY PROPERTY. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 3-1 WITH COMMISSIONER FRADY BEING ABSENT AND COMMISSIONER HEARN VOTING IN OPPOSITION.

NEW BUSINESS:

- H. Consideration of a request for the Chairman to execute a "Qualified Energy Conservation Bond Notice of Intent to Issue."

COMMISSIONER HORGAN MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE A "QUALIFIED ENERGY CONSERVATION BOND NOTICE OF INTENT TO ISSUE." COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

ADMINISTRATOR'S REPORT:

NONE.

ATTORNEY'S REPORT:

NONE.

STAFF REPORTS:

NONE.

BOARD REPORTS:

COMMISSIONER HEARN: Commissioner Hearn requested an update on the construction process regarding the West Fayetteville Bypass on the first phase of construction that ties into S.R. 92 at the November 4th Board of Commissioners Workshop meeting. County Administrator Jack Krakeel provided a brief update on the construction of phase I.

EXECUTIVE SESSION: County Attorney Scott Bennett requested an Executive Session to discuss real estate acquisition and litigation matters.

Chairman Smith requested an Executive Session to discuss personnel matters.

COMMISSIONER HEARN MADE A MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS REAL ESTATE ACQUISITION, LITIGATION AND PERSONNEL MATTERS. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

Chairman Smith reconvened the meeting at this time.

COMMISSIONER HORGAN MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE AN EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT MATTERS OF REAL ESTATE ACQUISITION, LITIGATION AND PERSONNEL WERE DISCUSSED IN EXECUTIVE SESSION. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH COMMISSIONER FRADY BEING ABSENT.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 8:38 p.m.

Karen Morley, Chief Deputy Clerk