Minutes

Board of Commissioners
September 2, 2009
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at 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 Wednesday, September 2, 2009, at 3:30 p.m. in the Commissioners' Conference Room, Suite 100, of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice Chairman Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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Chairman Smith called the meeting to order.

ACCEPTANCE OF AGENDA: Commissioner Horgan made a motion to accept the agenda as presented. Commissioner Hearn seconded the motion. Chairman Smith requested New Business item F. be moved to the first issue for discussion. Commissioner Horgan and Commissioner Hearn amended the motion to reflect this change. The motion carried 5-0.

NEW BUSINESS:

F. UPDATE ON THE H1N1 VIRUS PLANNING AND PREPAREDNESS ACTIVITIES UNDERWAY IN THE COMMUNITY:

Director of Public Safety Allen McCullough and Captain Pete Nelms presented a powerpoint presentation updating the H1N1 virus planning and preparedness activities underway in the community. A copy of the presentation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. Captain Nelms pointed out that on June 11, 2009, the World Health Organization signaled that a pandemic of novel H1N1 flu was underway. It was noted that the age group that was most vulnerable was 5-24 years of age.

OLD BUSINESS:

A. DISCUSSION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE REGARDING ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS, SECTION 7-6. TRANSPORTATION CORRIDOR OVERLAY ZONE, A. SR 54 WEST OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS, GASOLINE CANOPY, AND C. GENERAL STATE ROUTE OVERLAY ZONE, 4. ARCHITECTURAL STANDARDS, GASOLINE CANOPY:

Director of Community Development Pete Frisina discussed this item with the Board and remarked that this related to an aesthetic issue regarding gasoline canopies . A copy of the presentation, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. After a brief discussion, he asked for the Board's consideration to advertise the proposed amendments to be heard by the Planning Commission on October 1, 2009 and by the Board of Commissioners on October 22, 2009. There was a consensus by the Board that this item move forward and the process could begin.

B. DISCUSSION OF THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) GRANT AWARD APPROVED ON MARCH 27, 2009 IN THE AMOUNT OF $1,178,544:

Director of Community Development Pete Frisina discussed this item with the Board. A copy of the presentation, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. He remarked that staff had applied for these funds back in January but after reviewing the results of the criteria it was determined that there were not enough homes to meet the goal of this grant award.

County Attorney Scott Bennett remarked if this was the Board's intent, he would recommend the Board draft a letter to officially withdraw the application for the grant award.

Commissioner Maxwell made a motion to authorize the Chairman to sign a letter withdrawing the County's application for the Neighborhood Stabilization Program Grant Award. Commissioner Frady seconded the motion. The motion carried 4-1 with Commissioner Horgan voting in opposition. A copy of the letter, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

C. DISCUSSION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY SUBDIVISION REGULATIONS IN ITS ENTIRETY:

Director of Public Works Phil Mallon discussed this item with the Board. A copy of his report, identified as "Attachment No. 5", follows these minutes and is made an official part hereof. He remarked that a Review Committee was created and Staff and the Committee had held three meetings to review the proposed amendments. He said there were three pending items that needed further review and discussion: (1) Street length; (2) Street eyebrows; (3) Requirement of any applicable ordinances to Revised Final Plats; and (4) Approval by the Planning Commission for Revised Final Plats. After further discussion there was a consensus that this item would come back to the Board for further discussion at the Commissioners' workshop to be held on November 7, 2009.

D. UPDATE ON PHASE III OF THE WEST FAYETTEVILLE PARKWAY PROJECT:

Director of Public Works Phil Mallon discussed this item with the Board. He remarked that he had not yet issued a Notice to Proceed to a consultant on this project. He said all of the work thus far was being done in house by Road Director Carlos Christian. He said most of the comments and questions had come in from Lester Road residents located immediately South of the school complexes. He said their concerns included the possibility of increased traffic, being

able to walk across the street, incorporating the existing multi-use paths that the City has built and could there be a guarantee that traffic would be no worse after this project was completed. He felt it was important in the next few months to get existing traffic counts on some of the key roads such as Redwine Road, Harp Road, Ebenezer Road and Lester Road. He also commented that without accurate field information of wetlands and streams staff could not provide definitive recommendations.

Commissioner Maxwell said he wanted to make sure homeowners were aware of what was happening in this area before work was started. Commissioner Hearn agreed and suggested temporary signs be placed at appropriate locations. County Administrator Jack Krakeel remarked that certified letters could be mailed to homeowners followed with a verbal contact.

Chairman Smith asked for staff to draw up a construction time line on the Phase III project and determine the amount of manpower that was allocated for this project.

There was a consensus that this item would come back to the Board for further discussion at the Commissioners' workshop to be held on December 2, 2009.

E. UPDATE ON COMPREHENSIVE TRANSPORTATION PLAN AND DISCUSSION OF PRELIMINARY RECOMMENDATIONS.

Director of Public Works Phil Mallon introduced Joel Mann of Glatting, Jackson, Kercher, Anglin, Inc., who provided the Board with an update on the Comprehensive Transportation Plan as well as preliminary recommendations. A copy of the presentation, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT:
None.

ATTORNEY'S REPORT: County Attorney Scott Bennett remarked that since he would be in Athens next week attending the institute for City and County Attorneys and would not be at the September 10th Board meeting, he had the following two items for the Board's consideration.

AMENDED ECO-SOUTH, INC. CONTRACT FOR MITIGATION WORK AT THE PIGEON CREEK SITE: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute the amended Eco-South, Inc. contract for mitigation work at the Pigeon Creek Site in the amount of $583,494. He said the Board had considered this contract at a prior meeting and Eco-South, Inc. had agreed to also submit monthly invoices for consideration as well as provide a Performance Bond. He also noted that Eco-South, Inc. would be responsible for any damages to this site such as a two times rain event. He said if there was vandalism or infestation then that would be the County's responsibility. He said the County would also have a 10% retainage on this entire project as part of this agreement.

Commissioner Frady made a motion to authorize the Chairman to execute the amended contract with Eco-South, Inc. in the amount of $583,494. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

AMENDED INTERGOVERNMENTAL S.P.L.O.S.T. AGREEMENT WITH THE CITIES: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute the amended Intergovernmental S.P.L.O.S.T. Agreement with the Cities. He said the provision that the County would provide the funds to the Cities within ten business days of the County receiving the funds from the State was now included in this Agreement.

Commissioner Frady made a motion to approve the amended Agreement to add the ten day disbursement of funds to the cities as part of the original contract and to authorize the Chairman to execute the amended Intergovernmental S.P.L.O.S.T. Agreement with the cities. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

STAFF REPORTS:
DIRECTOR OF PUBLIC WORKS PHIL MALLON: Director of Public Works Phil Mallon updated the Board on the school striping and marking on S.R. 85. He said this had been done and everything was in accordance to standards. He further noted that the yellow line striping on S.R. 92 at the Lowery Road intersection near the Spalding County line was in the process of being completed.

WELCOME TO THE NEW ROAD DEPARTMENT DIRECTOR ANDY ADAMS: Mr. Mallon introduced the new Road Department Director Andy Adams to the Board. Mr. Adams provided the Board with a brief update on the current County road projects.

BOARD REPORTS:
COMMISSIONER ERIC MAXWELL: Commissioner Maxwell commented on a letter the Board had received from the Association of County Commissioners of Georgia regarding recovery zone bond waiver and re-allocation bonds as approved by the Georgia State Financing and Investment Commission. He said he did not want to miss the opportunity to take advantage of these funds.

County Administrator Jack Krakeel remarked that this had been investigated approximately three months ago, but unfortunately the County did not have any projects that would meet the criteria to qualify for these bonds.

CHAIRMAN JACK SMITH: Chairman Smith said he had two items to report. He reported on the Atlanta Regional Housing Forum that he had attended earlier in the day and the connection to transportation funding. He said the Federal Government was in the process of gathering data to write a new transportation bill. He said it was clear that part of the criteria for future Federal funding may be tied to available transit and density of housing.

Chairman Smith also remarked that the new restaurant called "Frank's" at the Old Mill on S.R. 54 West would be open to the public on Friday, September 4th.

EXECUTIVE SESSION:
None.

ADJOURNMENT:
With no further business to come before the Board, Chairman Smith adjourned the meeting at 6:25 p.m.

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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 September, 2009.

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Karen Morley, Chief Deputy Clerk