Minutes

Board of Commissioners
October 22, 2009
7:00 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 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

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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. A copy of the Proclamation, identified as "Attachment No. 1", is attached hereto and made an official part hereof.

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 would table its hearing of these petitions until its December 10th meeting.

There was a consensus of the Board that this item be tabled to the December 10th Commission 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:

Director of Community Development Pete Frisina remarked that this issue had first come to the Board at its July 1, 2009 meeting and dealt with the architectural requirements of a pitched peak roof and the relationship that would be created between the height of a gas canopy and a proposed convenience store that was being built on the corner of Ramah Road and S.R. 85. He said staff had come up with a set of regulations that would allow a little bit of flexibility in the height of the canopy based on the height of the convenience store where the canopy has to be equal to but not more than five feet higher than the top of the convenience store roof. He said it would also allow the canopy pitch to be reduced which would still maintain the pitched peak residential character. He asked for the Board's consideration in this matter.

Chairman Smith remarked that the site plan for this had already been approved and the changes that were being made were simply aesthetic. He asked if anyone wished to speak in favor of this amendment change. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

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. SR 54 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. A copy of the request and Ordinance No. 2009-04, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

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 said he did not favor the County taking sides in pending litigation between parties and he pointed out that he was the plaintiff in this litigation. 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 not be 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.

SHERIFF'S DEPARTMENT - DISPOSAL OF VEHICLE:

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. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT - TECHNICAL SERVICES BUDGET ACCOUNT:

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. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT - OVERTIME BUDGET AMENDED:

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. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT - WAL-MART FOUNDATION COMMUNITY GRANT PROGRAM:

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. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

TAX ASSESSOR'S OFFICE:

5. Approval of recommendations by the Tax Assessor's Office regarding requests for tax refunds. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

FIRE AND EMS - DISPOSAL OF FIREFIGHTER UNIFORMS AND TURNOUT GEAR:

6. Approval of staff's request for permission to dispose of firefighter uniforms and turnout gear that are no longer serviceable. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

MINUTES:

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:

Director of Community Development Pete Frisina discussed this request with the Board. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof. He remarked that this involved an 18 acre tract in the area of S.R. 74 South close to Rockaway Road. He said a portion of the 18 acres in the County was zoned C-C and a portion was zoned A-R. He said the applicant was requesting that the City rezone 3.86 acres to be zoned from A-R and C-C to general commercial and to develop a retail and/or office uses containing approximately two 10,000 square feet office buildings and the remaining 14.14 acres was to be rezoned to open space and ultimately would be donated to Peachtree City to expand Meade Field. He said this would allow a transmission line or a sewer line to be put into an area along a creek which would be in the confines of Peachtree City. He said staff had no objections to the annexation request.

Commissioner Horgan questioned the placement of the sewer line in regard to County property and Mr. Frisina replied that the sewer line would be approximately 200 feet of the property for the proposed shopping center in Fayette County. Mr. Frisina stated that the Animal Shelter, the existing doctor's office and the proposed doctor's office would then have access to sewer.

Commissioner Maxwell interjected that this property was rezoned in 2000 and he did not feel this was a prudent decision that was made by a prior County Commission. He said he was disappointed in a prior Commission who allowed this node in this particular location. He said if there was a way to prevent this development, then he would be finding that way to prevent it. He noted that this occurred nine years ago and he saw no way to prevent the development. He asked County Attorney Scott Bennett if the Board had any legal basis to object to the annexation.

County Attorney Bennett replied that he did not see any legal objection that the Board could make to this annexation.

Chairman Smith asked the Board members if there were any objections to this request and there were none.

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:

Director of Community Development Pete Frisina discussed this matter with the Board. He said this was a de-annexation request that from the City of Peachtree City involving a ten foot strip consisting of approximately 1.17 acres. He said he had received a letter from Interim Community Development Director David Rast of Peachtree City in regard to the handling of public safety in these areas. A copy of the letter, identified as "Attachment No. 10", follows these minutes and is made an official part hereof. He said the City was offering their staff to work with the County on some type of memorandum of understanding. He said staff had no objection to this de-annexation. He noted that the City could not de-annex without a consenting Resolution by the County and that was State law.

County Attorney Scott Bennett remarked that the Board was not de-annexing property tonight. He said the Board would only be consenting to take the property back and then it would become a decision for the property owner in Peachtree City if they wanted to move forward with the de-annexation.

Chairman Smith asked for the Board's pleasure in this matter.

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. A copy of the request and Resolution No. 2009-16, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

F. CONSIDERATION OF A REQUEST FROM STAFF FOR AUTHORIZATION TO ISSUE REQUESTS FOR PROPOSALS FOR THE REPLACEMENT OF THREE AMBULANCES:

Public Safety Director Allen McCullough discussed this request with the Board. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof. He said staff had presented this item to the Board at the October 7th meeting for discussion and to identify this pressing need. He said during the last three months the department has had critical down time with three of the department's ambulances. He asked for the Board's consideration to allow staff to issue Requests for Proposals for the replacement of three ambulances. He said the Finance Department had confirmed that there are sufficient funds for these replacement vehicles.

Chairman Smith recalled that at least two of these three ambulances were scheduled for replacement by now but this was delayed because of the current economic situation. He said last year staff was instructed to come forward if events had changed regarding those ambulances and their condition.

Deputy Chief of Fire and Emergency Services Tom Bartlett interjected that all three ambulances were scheduled for replacement and staff was asked to postpone that. He said staff had been tracking very closely not only the cost to run the units and the amount of money being put in them but they had also reviewed down time figures . He said the down time figures ranged rom 61 hours up to 159 hours and there were also some mechanical issues that began approximately one week ago.

County Administrator Jack Krakeel clarified that in 2009 the Department of Fire and Emergency Services was actually approved for the purchase of two units. He said he had requested at that time that they withhold the purchase of at least one of those two units which they did. He said currently, given the funding that was approved at that time, the cost was approximately $400,000 for acquisition of those two units. He noted that the cost of the unit that was just purchased was $156,000. He said in order to acquire these additional units there would need to be approximately $250,000 in additional funding above what was currently available and authorized for the acquisition of these units.

Chairman Smith asked for the Board's pleasure in this matter.

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:

Chairman Smith remarked that County Attorney Scott Bennett had drafted a proposed ordinance for the use of alcoholic beverages on specified County property. Commissioner Maxwell remarked that this was simply a formalization for this use. Chairman Smith asked for the Board's pleasure on this matter.

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. A copy of the request and Ordinance No. 2009-05, identified as "Attachment No. 13", follow these minutes and are made an official part hereof.

NEW BUSINESS:

H. CONSIDERATION OF A REQUEST FOR THE CHAIRMAN TO EXECUTE A "QUALIFIED ENERGY CONSERVATION BOND NOTICE OF INTENT TO ISSUE":

Chief Financial Officer Mary Holland presented a power point presentation for the Board. A copy of the presentation, identified as "Attachment No. 14"", follows these minutes and is made an official part hereof. She noted that the State had allocated $1,117,449 for Fayette County. She said there were allowed purposes for the use of this money and she reviewed these with the Board. She said the Georgia Environmental Facilities Authority had been asked to coordinate this for the State and they were requesting either a Notice of Intent to Issue or a Resolution stating that the County did not intend to issue and they would allocate the money back to the State. She said this action was required before November 2, 2009. She asked for the Board's consideration to authorize the Chairman to sign the Intent to Issue and this was needed to hold these funds and it did not necessarily mean that the County had to accept the funds. She said if the County desired, it could reallocate those funds back to the State at a later date. She said the County would need time to analyze projects that might fit into this category as well as to have conversations with the cities and the Development Authority to see if they may any interest. She said it was her understanding that the City of Peachtree City was looking at some potential projects that might qualify for these bonds. She said there would be a followup process where the County would have to be approved for the types of projects that would be utilized for this purpose.

Chairman Smith said at this point the County was simply reserving a place in line until there was more information. He asked for the Board's pleasure in this matter.

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. A copy of the request and the Notice of Intent to Issue, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

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. Mr. Krakeel remarked that curb and guttering was being installed on Monday of this week and that was almost 70% completed. He said the crush and run application was approximately 75% completed. He said the fine grading of the base was anticipated in the next several days.

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.

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. A copy of the Executive Session Affidavit, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 8:38 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 12th day of November, 2009.

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Karen Morley, Chief Deputy Clerk