# Minutes

Board of Commissioners
January 28, 2010
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 Wednesday, January 28, 2010, at 7:00 p.m. in the Commissioners' Chambers in 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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**Call to Order by Chairman, Invocation, and Pledge to the Flag.**

Chairman Smith called the Board of Commissioners to order at 7:03 p.m.
Commissioner Hearn offered the invocation.
Chairman Smith led the Board and audience in the pledge of allegiance.

**Acceptance of Agenda.**

Commissioner Horgan moved to accept the agenda as published. Commissioner Hearn seconded the motion. No discussion followed and the motion passed unanimously.

**PUBLIC HEARING:**

**A. Consideration of Petition Number 1218-09, Southern Pine Plantations Commercial Group, LLC., Owners, and Seyfarth Shaw, LLP, Agent, request to rezone 27.46 acres from O-I, A-R, and C-C to C-C to develop Commercial Uses, and consideration of Petition Number 1219-09, request to rezone 5.37 acres from O-I, A-R and C-C to O-I to develop Office Uses. These properties are located in Land Lots 17 and 18 of the 6th District and front on SR 74 South. These petitions were tabled at the Public Hearing held on December 10, 2009.**

Community Development Director Pete Frisina read the *Introduction to Public Hearings* document explaining how the Public Hearings would be conducted. A copy of the *Introduction to Public Hearings*, identified as "Attachment 1", follows these minutes and is made an official part hereof.

Attorney Carl Westmoreland, representing the applicant for both petitions being heard, spoke about the need to approve the petitions and agreed to staff's recommended conditions.

Commissioner Horgan asked what uses would be allowed if the petitions were approved. Attorney Westmoreland replied that anything allowed as permitted uses under the requested C-C and O-I zoning classifications would be considered with the exception of those uses expressly prohibited by the recommended conditions as detailed by the Planning Commission and county staff.

Commissioner Maxwell recalled that in the year 2000 there was discussion about deeding approximately 50 acres to the County to protect the Brechin Park neighborhood that is located on the south side of the development, but the discussion was never formalized into a written document or deed meaning the property still remains with the applicant. He said he understood there would be a deed held in trust for the transfer of 50 acres from Southern Pines to Fayette County but that there would be a reversion clause for the portion of the property next to Brechin Park. He explained the reversion clause would allow the applicant to place a septic system on the property next to the Brechin Park neighborhood if the septic field on the north side of the property ever had a problem. Attorney Westmoreland said Commissioner Maxwell's understanding was correct, that a detailed letter explaining the situation was provided to County Attorney Scott Bennett, and that he wanted it be understood that if the rear tract, referred to as Tract 4, had to be used for a septic field there would be a grassed buffer area provided adjacent to the neighborhood.

Commissioner Maxwell asked if a deed had been prepared and Attorney Westmoreland replied that a deed had been prepared and is being held in trust by Mr. Bowden, an attorney in Macon who is representing Southern Pine Plantations, until a Final Plat is recorded and the property can be transferred to Fayette County. Discussion followed.

No one else spoke in favor of or in opposition to the petitions.

Commissioner Horgan moved to approve Petition Number 1218-09 subject to the two recommended conditions. Commissioner Hearn seconded the motion. Further discussion followed and the motion passed unanimously. A copy of the requests for Petitions 1218-09 and 1219-09, including recommended conditions, Staff Analysis and Investigation, and maps, identified as "Attachment 2", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition 1218-09, identified as "Attachment 3", follow these minutes and are made an official part hereof.

Commissioner Horgan moved to approve Petition Number 1219-09 subject to the one recommended condition. Commissioner Hearn seconded the motion. No discussion followed and the motion passed unanimously. A copy of the Ordinance and Resolution approving Petition 1219-09, identified as "Attachment 4", follow these minutes and are made an official part hereof.

**B. Consideration of Petition Number RP-047-09, Amos and Marcia Grimes, Owners, and Randy Boyd, Agent, request approval to revise a recorded plat for Lot 8 Block D of Fayette Village (1.031 acres), by adding Lot 117 of the Landings, (1.030 acres), for development of a single-family residential lot totaling 2.061 acres. This R-40 property is located in Land Lot 71, 7th District and fronts on Oak Ridge Drive.**

Mr. Randy Boyd represented Amos and Marcia Grimes and explained why the two lots should be combined into one. Discussion followed. No one else spoke in favor of or in opposition to the petition.
Commissioner Frady moved to approve Petition Number RP-047-09. Commissioner Horgan seconded the motion. No discussion followed and the motion passed unanimously. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

**PUBLIC COMMENT:**

**Jacqueline Peoples:** Ms. Peoples told the Board that Barnes & Noble Bookstore is closing in May due to losing their lease, and asked if the Board would be able to help prevent the closing. She said she would also go to the City of Fayetteville with the same concern and request. She appealed to the Board to foster community involvement in order to save the store.

**CONSENT AGENDA:**

Commissioner Horgan moved to approve Consent Agenda Items 1-6. Commissioner Frady seconded the motion . The motion passed unanimously.

1. **Approval of Resolution Number 2010-04 establishing qualifying fees for 2010 Elections in Fayette County. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

2. **Approval of recommendations by the Tax Assessor's Office regarding requests for tax refunds. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**

3. **Approval of staff's request to acquire training material for 911 Communications personnel from Professional Pride, Inc., at a cost of $8,800. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.**

4. **Approval of Fayette County Water Committee's 2010 meeting schedule. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.**

5. **Ratification of contract between Brad Cole Construction Company, Inc. and Fayette County for the construction of Lake McIntosh Dam and Reservoir in the amount of $8,233,255.12. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.**

6. **Approval of January 6, 2010 Board of Commissioners minutes.**

**NEW BUSINESS:**

**C. Consideration of appointment to the Fayette County Board of Elections for a four-year term beginning February 1, 2010 and ending January 31, 2014.**

Chairman Smith moved to postpone the appointment until a future meeting. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

## ADMINISTRATOR"S REPORT

**2010 Board Retreat:** County Administrator Jack Krakeel reminded the Commissioners that their retreat would begin tomorrow morning at 8:30 a.m. in the Commissioners' Conference Room at the Stonewall Complex.

## ATTORNEY'S REPORT

**MBIA Capital Management Corporation Contract:** County Attorney Scott Bennett reminded the Board of its September 10, 2009 agreement to engage MBIA Capital Management Corporation. He explained that MBIA would be an investment advisor for Fayette County who would advise the county on where to deposit and invest county funds in order to increase its return on investments. He concluded by asking the Board to authorize the Chairman to sign the contract with MBIA to engage their services.

Commissioner Horgan moved to authorize the Chairman to sign a contract with MBIA Capital Management Corporation, engaging their services. Commissioner Hearn seconded the motion. No discussion followed and the motion passed unanimously. A copy of the MBIA Capital Management Corporation Contract, identified as "Attachment 11", follows these minutes and is made an official part hereof.

**Contract with Piedmont Paving Corporation:** County Attorney Scott Bennett recalled that on November 12, 2009 the Board awarded a bid in the amount of $540,000 to Piedmont Paving Incorporated for multiple intersection improvements; particularly at the intersection of Goza and Antioch Roads. He stated that he had the contract, had reviewed the payment, performance, and insurance bonds, and that the contract was ready for the Chairman's signature should the Board give its authorization.

Commissioner Horgan moved to authorize the Chairman to sign a contract with Piedmont Paving Incorporated for $540,000. Commissioner Hearn seconded the motion. No discussion followed and the motion passed unanimously. A copy of the Piedmont Paving Corporation contract, identified as "Attachment 12", follows these minutes and is made an official part hereof.

**Resolution Numbers 2010-05, 2010-06, 2010-07 and 2010-08:** County Attorney Scott Bennett presented four resolutions to the Board of Commissioners for their approval. He explained that they were based on ongoing negotiations between Fayette County's Public Works Department, who is trying to obtain needed right-of-way for improvements to the intersections of Antioch and Goza Roads and Antioch and McBride Roads, and landowners who are unwilling to provide the needed land. He said the resolutions would authorize the County Attorney to either negotiate for the right-of-way by contract or to condemn the land if it becomes necessary. He added that these resolutions were needed in order to continue the intersection improvement projects:

The four resolutions are as follows:

- **Resolution 2010-05:** Resolution to authorize the acquisition of 3,634 square feet of land, more or less, and 8,731 square feet of temporary construction easement, more or less, in Land Lot 7 of the 5th District, Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of the O.C.G.A. Section 32-3-4 through Section 32-3-19 for road construction or improvement at the intersection of Antioch and McBride Roads.

  Commissioner Horgan moved to authorize the Chairman to sign Resolution 2010-05. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of Resolution 2010-05, identified as "Attachment 13", follows these minutes and is made an official part hereof.

- **Resolution 2010-06:** Resolution to authorize the acquisition of 8,810 square feet of temporary construction easement, more or less, in Land Lot 7 of the 5th District, Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19 for intersection improvement plans for the intersection of Antioch Road and McBride Road.

  Commissioner Horgan moved to authorize the Chairman to sign Resolution 2010-06. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of Resolution 210-06, identified as "Attachment 14", follows these minutes and is made an official part hereof.

- **Resolution 2010-07:** Resolution to authorize the acquisition of 1,385 square feet of land, more or less, and 13,510 square feet of temporary construction easement, more or less, in Land Lots 249 and 250 of the 4th District, Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19 for the intersection improvement located at the Antioch and McBride Roads.

  Commissioner Horgan moved to authorize the Chairman to sign Resolution 2010-07. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of Resolution 2010-07, identified as "Attachment 15", follows these minutes and is made an official part hereof.

- **Resolution 2010-08:** Resolution to authorize the acquisition of 2,366 square feet of temporary construction easement, more or less, in Land Lot 232 of the 4th District, Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19 for intersection improvement plans for the intersection at Antioch and Goza Roads.

  Commissioner Horgan moved to authorize the Chairman to sign Resolution 2010-08. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of Resolution 2010-08, identified as "Attachment 16", follows these minutes and is made an official part hereof.

## STAFF REPORTS

There were no Staff Reports.

## BOARD REPORTS

There were no Board Reports.

## EXECUTIVE SESSION

**Litigation:** County Attorney Scott Bennett informed the Board of litigation to be discussed in Executive Session.

Chairman Smith recognized that some Boy Scouts were in the audience, commented that they were working on Citizenship in the Community merit badge, and thanked them for their attendance.

Commissioner Hearn moved to adjourn into Executive Session for the purpose of discussing litigation. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned into Executive Session at 7:45 p.m. and returned to Official Session at 8:03 p.m.

## EXECUTIVE SESSION AFFIDAVIT

Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating litigation was discussed. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 17", follows these minutes and is made an official part hereof.

## ADJOURNMENT

No further business came before the Board and Chairman Smith adjourned the January 28, 2010 Board of Commissioner's meeting at 8:03 p.m.

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Floyd L. Jones, 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 11th day of February, 2010.

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Floyd L. Jones, Deputy Clerk