Minutes

Board of Commissioners
August 4, 2010
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, August 4, 2010, 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 Lee Hearn
Commissioners Absent:	Robert Horgan Eric Maxwell
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.

ACCEPTANCE Of AGENDA: Commissioner Hearn made a motion to approve the agenda as presented. Commissioner Frady seconded the motion. Chairman Smith requested to add a special presentation by Superior Court Clerk Sheila Studdard to be first on the agenda. Commissioner Hearn made a motion to accept the amended motion to include the special presentation on the agenda. Commissioner Frady seconded the amended motion. The motion carried 3-0. Commissioner Horgan and Commissioner Maxwell were absent.

SPECIAL PRESENTATION:
Superior Court Clerk Sheila Studdard along with Tax Commissioner George Wingo, Probate Judge Ann Jackson, Executive Director of COAG Suzanne Cross, Executive Director of ACCG Ross King recognized Melanie Rowe as the recipient of the $1,000 Constitutional Officers' Association of Georgia, Inc. Scholarship Program. This award goes to a high school senior submitting a 1,000 word essay on the subject of "How Do the Constitutional Officers in my County Affect My Life?".

OLD BUSINESS:

A. PRESENTATION OF THE MONTHLY UPDATE ON THE COUNTY'S 2010 TRANSPORTATION WORK PLAN BY PUBLIC WORKS DIRECTOR PHIL MALLON:

Public Works Director Phil Mallon updated the Board on the County's 2010 transportation work plan. A copy of the agenda request and handout, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. He remarked that progress was going well on Snead Road and paving of the entire road should be completed by the end of August. He also commented on the work being done on Trickum Creek Road, Buckeye Road, Kelly Road, Swanson Road and Mask Road. He commended the road crew for all of their hard work during these long hot summer days. He further commented that it was his goal for right-of-way mowing of the arterials four times each year as well as the collector and local roads three times per year.

Commissioner Hearn asked for the status of the purchase of additional mowing equipment that had been approved in the budget. Mr. Mallon replied that this had been put out for bid . He said the Road Department staff had spent a lot of time researching and talking with several suppliers to determine the equipment that was needed.

Mr. Mallon commented on gravel road maintenance and said the soil stabilization application was started in July. He said this would continue through August and his department had received positive citizen feedback on this process.

Mr. Mallon remarked on Phase I of the West Fayetteville Bypass and noted that paving was being done between S.R. 54 and Lester Road. He said the goal was to have the Bypass open to traffic either at the end of the day on Friday, August 6th or more likely on Monday, August 9th. He said the goals for July were accomplished and the storm pipe work was done, the curb and gutters completed and paving would be completed this week.

Chairman Smith requested that the following items under New Business be discussed in a different order based on time conflicts with several department heads needing to meet several appointments. He asked that item "G" be discussed first under New Business.

NEW BUSINESS:

G. DISCUSSION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE, IN ITS ENTIRETY, AND ITS SUBSEQUENT ADOPTION AS CHAPTER 20 OF THE FAYETTE COUNTY CODE AND DISCUSSION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY COMPREHENSIVE PLAN TEXT AND MAP:

Director of Community Development Pete Frisina reviewed some of the proposed amendments to the Fayette County Zoning Ordinance. He said staff had been working with the Planning Commission as well as citizens on amendments to the zoning ordinance for approximately a year and a half. He presented the Board with a summary of the proposed amendments to the zoning ordinance. A copy of the agenda request and backup information, identified as "Attachment No. 2", follow these minutes and are made an official part hereof. He said it was staff's intent to have the Fayette County Zoning Ordinance adopted by the end of this year. He noted that new items had been added under accessory structures including solar panels and wind turbines. He said extensive work had been done on telecommunications and towers section of the ordinance.

Chairman Smith commented that the M-1 zoning category and the three areas that currently have these type of developments already in place. Mr. Frisina remarked that the three areas that actually have these sort of developments in place were the S.R. 85 North area, the industrial area of S.R. 314 and Bethea Road and the mixed industrial/commercial area located East of town.

Mr. Frisina said staff would like to take these proposed amendments and proceed. He said he would be available to meet with each Commissioner on any questions they might have and would discuss it further at the Board's workshop meeting on September 1st. He said it was staff's goal to have this adopted by the end of the year so that it could be codified through Municipal Code.

D. PRESENTATION BY STAFF ON "AN INTRODUCTION TO MODERN ROUNDABOUTS":

Public Works Director Phil Mallon discussed modern roundabouts and how they fit into the community road systems. He presented a power point presentation on modern roundabouts. A copy of the agenda request and presentation, identified as "Attachment No. 3", follows these minutes and are made an official part hereof. He said he would provide the Board with more detailed information in the near future.

Commissioner Hearn expressed concern in high traffic areas where there is a 35 m.p.h. to 40 m.p.h. speed limit. He questioned what could be done if a roundabout reached over capacity and felt there would have to be options for a right turn lane.

Chairman Smith said he agreed with Commissioner Hearn on the issue of expandibility of the roundabout due to growth.

Mr. Mallon remarked that he was just presenting this item to the Board for informational purposes and if there was any interest by the Board, he would be glad to discuss it further. The Board thanked Mr. Mallon for his presentation.

B. DISCUSSION OF A FIFTH JUDGESHIP FOR THE GRIFFIN JUDICIAL CIRCUIT:

Administrator for the Griffin Judicial Circuit Will Simmons discussed this item with the Board and the criteria used for an additional judgeship for a particular circuit. He noted that the last judicial study done by the State was in 2007. He said in 2007 this circuit was over the threshold that the judicial council uses to make a determination. A copy of the agenda request and backup, identified as "Attachment No. 4", follows these minutes and are made an official part hereof. He pointed out that the Legislature makes the decision on judgeships for all courts. The costs involved for potential staffing, salaries, and office space were also discussed.

Commissioner Hearn asked how much this would cost Fayette County and Chairman Smith replied 10%. County Administrator Jack Krakeel interjected that each Superior Court Judge has his own courtroom and there could be significant capital costs associated with the potential of constructing a new courtroom, space for court staff in addition to the normal percentage of a supplement that the County was required to contribute for that particular individual position. He pointed out that the County currently pays 50% of the operating costs of the circuit based on population and case files.

C. PRESENTATION BY CHIEF FINANCE OFFICER MARY HOLLAND ON STAFF'S FORECAST REGARDING 2010 TAX MILLAGE RATES WHICH ARE SCHEDULED TO BE ADOPTED IN AUGUST:

Chief Finance Officer Mary Holland reviewed staff's forecast for the 2010 tax millage rates. A copy of the agenda request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. She said the Board would be considering adoption at its August 26th meeting and the recommended millage rate must be published in the newspaper one week prior to the meeting when the Board actually votes for adoption of the millage rate. She said during the past couple of weeks the Tax Commissioner George Wingo had provided her with the final digest numbers and with that there had been some slight changes which impacted the numbers. She said she also wanted to bring to the Board's attention the fact that over the last three years the property tax receivables for Fayette County

had actually doubled. She said this meant that this was revenue that was not available for the County to actually utilize and would be deferred revenue. She said due to the current state of the economy there could be cases where some of these receivables might have to be written off. She also stated that the County was seeing a much lower collection rate than it had seen in the past. She said staff was requesting some input from the Board as to whether there was any particular method that the Board would like staff to consider going forward with this year's millage rate recommendation.

County Administrator Jack Krakeel remarked that staff was providing the Board with this information to give the Board enough time to make a decision. Ms. Holland said if the Board needed additional information, she would be glad to provide that as well.

F. STAFF WILL PRESENT AMENDMENTS TO THE FAYETTE COUNTY CODE, CHAPTER 8 DEVELOPMENT REGULATIONS, ARTICLE I, III, IV AND VIII:

Director of Stormwater Management Vanessa Birrell discussed the amendments to the Fayette County code, Chapter 8 Development Regulations, Article I, III, IV and VIII with the Board. A copy of the agenda request and backup, identified as "Attachment No. 6", follow these minutes and are made an official part hereof. She asked for consideration for staff to draft an ordinance reflecting these recommended amendments and present same to the Board for consideration in the near future and the Board agreed for staff to proceed.

Chairman Smith asked if there were any significant revisions or just housekeeping and Ms. Birrell replied that these revisions were all housekeeping items.

There were no objections by the Board for staff to proceed with the amendments. Ms. Birrell remarked and there would still be time for the Board to ask questions and get clarification if needed before final adoption.

H. DISCUSSION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY CODE, CHAPTER 5, SECTION 5-212 TO INCLUDE RESIDENTIAL ROOFING REPAIRS AND REPLACEMENT PERMITS INCLUDING AN ASSOCIATED PERMIT FEE; AND DISCUSSION OF PROPOSED AMENDMENTS TO INCREASE THE CURRENT FEE FOR COMMERCIAL ROOFING/REPAIR PERMITS:

Director of Permits and Inspections Joe Scarborough discussed the proposed amendments to the Fayette County Code, Chapter 5, Section 5-212 to include residential roofing repairs and replacement permits including an associated permit fee. A copy of the agenda request and backup, identified as "Attachment No. 7", follow these minutes and are made an official part hereof. He said he was bringing this before the Board in response to an ongoing number of complaints from citizens as a result of last year's hail storm.

After a brief discussion, County Administrator Jack Krakeel remarked that there was the capability through the County's existing Emergency Management ordinances and programs to institute some local controls during emergency events to help protect citizens against unscrupulous contractors. The Board agreed and suggested that these types of issues go through Emergency Management for solution.

Director of Permits and Inspections Joe Scarborough asked for the Board's consideration to revise the current $50 fee for a commercial roofing repair or replacement to a fee which allows his department to recover its costs. He noted currently this was required for commercial but not residential. County Administrator Jack Krakeel said he would be glad to work with Mr. Scarborough to recommend an appropriate fee schedule.

E. DISCUSSION OF GRAVEL ROAD OPERATION AND MAINTENANCE WITHIN FAYETTE COUNTY AND CONSIDERATION OF IMPROVEMENT OPTIONS AND PRIORITIZATION:

Public Works Director Phil Mallon discussed gravel road operation and maintenance within Fayette County and also improvement options and prioritization. A copy of the agenda request and backup, identified as "Attachment No. 8", follow these minutes and are made an official part hereof. He reviewed the summary of C.I.P. projects for paving gravel roads and the amount of money that is scheduled over the next five years. He pointed out that the County maintains over 50 miles of gravel roads within unincorporated Fayette County. He remarked that currently the County does proactive scraping and blade program as well as dust control using calcium chloride. He said the application of calcium chloride on dirt roads has been very well received by citizens living on those roads. He said the County was also using a different product this year that was dust suppression and soil stabilization. He noted that this product was more expensive but has benefits that the calcium chloride does not. He said the manufacturer claims that the product stays in the road and over a period of a few years actually makes the road stronger and more resistant to erosion and rutting. He remarked that his department has numerous petitions signed by citizens on some of the dirt roads requesting their road to be paved but noted that a lot of these are old and some not dated.

Chairman Smith said he recalled the Board adopting criteria that in effect put a time limit on submission of a petition as well as requiring a certain percentage of homeowners living on a particular dirt road to sign said petition. Mr. Mallon replied there was a time limit but the time limit was on the County. He said once a petition was submitted to the County, the County would have 90 days to prepare a preliminary cost estimate. He noted that this time limit had not been met.

Mr. Mallon remarked that the dirt roads listed in the C.I.P. for paving were Snead Road which is nearing completion, Trickum Creek Road, Buckeye Road, Kelly Road, Swanson Road and Mask Road. He questioned leaving these roads in the C.I.P. for paving if there might be other roads that the Board members receive complaints on. He said his department really did not receive many complaints on the current roads in the C.I.P. He said in looking at the petitions per the new policy, staff would recommend the top three roads to be paved as Trickum Creek Road, Mask Road and Simms Road. He said he was presenting this to the Board in order to get input as to what work should be done after Snead Road and what type of information the Board would want from staff.

Commissioner Hearn suggested taking the top three roads on the list and sending a questionnaire to the residents along those roads and ask those homeowners if they would be willing to donate their portion of the right-of-way for a specific road to be paved.

Chairman Smith said this would only circumvent the County's current procedure which allows the citizens to petition the County to have a road paved and the County beginning the process.

Mr. Mallon said he believed that Simms Road met the 80% requirement but he would have to check on the files for the other unpaved roads. He asked if the C.I.P. was set or would the Board be willing to reallocate the $1.8 million

Chairman Smith replied that he would be willing to reallocate it based upon the needs. He said he did not believe the County should implement its own petition process but he had no objection to the County sending a questionnaire to the homeowners to determine if there was interest to have their road paved. He said the homeowners could also be made aware of the fact that the County was trying to set a priority schedule for paving dirt roads and in that priority schedule there were three different treatments including (1) scraping, (2) dust control that would stabilize the road bed and (3) pave the road. He said this would allow the County to know exactly how homeowners feel about their dirt road. He felt staff should spend some time determining prioritization and he did not see a correlation between the money in the C.I.P. and the need to pave unless that need is established.

ADMINISTRATOR'S REPORT:

GEORGIA DEPARTMENT OF ADMINISTRATIVE SERVICES APPLICATION FOR ELIGIBILITY: County Administrator Jack Krakeel asked for the Board's consideration to authorize the Chairman to execute the Georgia Department of Administrative Services Application for Eligibility to access surplus property. He said this would allow a designation of certified individuals who would have authorization to look at the surplus property that was available to determine if any of the surplus property might be suitable for utilization by the County. He said there would be no cost to the County.

Commissioner Hearn made a motion to approve staff's request to authorize the Chairman to execute the Georgia Department of Administrative Services application for eligibility to access surplus property that might be available for utilization by the county. Commissioner Frady seconded the motion. The motion carried 3-0. Commissioner Horgan and Commissioner Maxwell were absent. A copy of the application, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

MERITAIN HEALTH'S FEDERAL EARLY RETIREE REINSURANCE PROGRAM: County Administrator Jack Krakeel asked for the Board's consideration to authorize the Chairman to execute a letter requesting Meritain Health to assist the County in submitting an application to the Federal government to receive reimbursements under the Early Retiree Reinsurance Program. He explained that the program provides direct reimbursement to local governments accepted into the program for medical claim expenses incurred by early retirees once the expenditures have exceeded $15,000 and limits the reimbursement up to $90,000.

Commissioner Hearn made a motion to approve staff's request to authorize the Chairman to execute an Agreement requesting Meritain Health to assist the County in submitting an application to the Federal Government to receive reimbursement under the early retiree reinsurance program. Commissioner Frady seconded the motion. The motion carried 3-0. Commissioner Horgan and Commissioner Maxwell were absent. A copy of the Agreement, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

EXCAVATOR AT PUBLIC WORKS NEEDS TRANSMISSION WORK: County Administrator Jack Krakeel asked for the Board's consideration to approve work to be done as soon as possible on an excavator at Public Works that needs transmission work. A copy of the estimate from Yancey Brothers, identified as "Attachment No. 11", follows these minutes and is made an official part hereof. He said the work would be performed by Yancey Brothers in the amount of $22,220.07.

Commissioner Hearn made a motion to approve repairs to be done immediately by Yancey Brothers in the amount of $22,220.07 on an excavator at Public Works needing transmission work. Commissioner Frady seconded the motion. The motion carried 3-0. Commissioner Horgan and Commissioner Maxwell were absent.

RENEWAL OF THE E-911 INTERGOVERNMENTAL AGREEMENT: County Administrator Jack Krakeel remarked that there had been several discussions during the last year regarding the renewal of the E-911 Intergovernmental Agreement between the County and its municipalities. He said the cities would like to have discussion about establishing a separate E-911 tax district County-wide to fund the portion of the operating budget that is not funded by user fees. He said a decision would have to be made by October. He said he was just briefing the Board on this issue and he would place it on a tickler and bring it back to the Board in the near future for consideration.

ATTORNEY'S REPORT:

None.

STAFF REPORTS:
None.

BOARD REPORTS:
None.

EXECUTIVE SESSION: County Administrator Jack Krakeel requested an Executive Session to discuss real estate acquisition.

Commissioner Hearn made a motion to adjourn to Executive Session to discuss real estate acquisition. Commissioner Frady seconded the motion. The motion carried 3-0. Commissioner Horgan and Commissioner Maxwell were absent.

Chairman Smith called the meeting back to open session and remarked that real estate acquisition was discussed in Executive Session.

Commissioner Hearn made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that real estate acquisition was discussed in Executive Session. Commissioner Frady seconded the motion. The motion carried 3-0. Commissioner Horgan and Commissioner Maxwell were absent. A copy of the Executive Session Affidavit, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

COUNTY ADMINISTRATOR JACK KRAKEEL - PROPERTY LOCATED AT THE CORNER OF LEES MILL ROAD AND S.R. 92: County Administrator Jack Krakeel remarked that the County had received a request regarding a parcel of property consisting of 1/3 acre owned by the County at the corner of Lees Mill Road and S.R. 92. He said this property was located directly across the street from the water tank site on Lees Mill Road. He asked the Board if there was any interest in selling this property.

There was a consensus of the Board that there was no interest in selling this property.

CHAIRMAN SMITH - VEHICLE ALLOWANCE FOR COUNTY ADMINISTRATOR: Chairman Smith stated that County Administrator Jack Krakeel's contract provides a vehicle for him to drive and he had relinquished said vehicle for use in another department where a vehicle was permanently taken out of service. He said in lieu of using the vehicle replacement fund to purchase another vehicle, Mr. Krakeel was agreeable to accept a car allowance. He noted that staff had calculated $600 per month and as an equivalent amount to the County's current cost for providing said vehicle and he asked for the Board's approval to authorize $600 per month to cover a vehicle, gas, oil and insurance. He said there would be no additional compensation for vehicle use including trips to government functions outside of the County and State. He asked for consideration by the Board to determine the amount for the vehicle allowance and approve this allowance to be paid to County Administrator Jack Krakeel on a monthly basis effective July 1st which was the date he had relinquished the County vehicle.

Commissioner Frady made a motion to approve the request to pay County Administrator Jack Krakeel $600 per month for a vehicle allowance. Commissioner Hearn seconded the motion. The motion carried 3-0. Commissioner Horgan and Commissioner Maxwell were absent.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 6:46 p.m.

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 26th day of August, 2010.

Karen Morley, Chief Deputy Clerk