Minutes

Board of Commissioners
August 26, 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 Thursday, August 26, 2010, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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Vice Chairman Herb Frady called the meeting to order. He remarked that Jack Smith would be absent from the meeting due to a death in his family.

Commissioner Hearn offered the Invocation.
Commissioner Maxwell led the Pledge of Allegiance.

Acceptance of Agenda

PRESENTATION/RECOGNITION:

A. PROCLAMATION RECOGNIZING SEPTEMBER 6, 2010 AS "MARQUIS DE LAFAYETTE DAY IN FAYETTE COUNTY":

County Administrator Jack Krakeel read and the Board presented a Proclamation recognizing September 6, 2010 as "Marquis de Lafayette Day in Fayette County" to members of the James Waldrop Chapter of the National Society of the Daughters of the American Revolution. A copy of the request and backup, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

B. PROCLAMATION RECOGNIZING SEPTEMBER 17-23, 2010 AS "CONSTITUTION WEEK IN FAYETTE COUNTY":

County Administrator Jack Krakeel read and the Board presented a Proclamation recognizing September 17-23, 2010 as "Constitution Week in Fayette County" to members of the James Waldrop Chapter of the National Society of the Daughters of the American Revolution. A copy of the request and backup, identified as "Attachment No. 2", follows these minutes and are made an official part hereof.

C. PRESENTATION OF MASTER CERTIFIED EMERGENCY MANAGER CERTIFICATES TO CAPTAIN PETE NELMS, EMA COORDINATOR AND MR. GEORGE KNIGHT, RESERVE UNIT MEMBER ASSIGNED TO THE EMERGENCY MANAGEMENT AGENCY:

Public Safety Director Allen McCullough, GEMA/Homeland Security Director Charley English, and Area Field Coordinator for Georgia Emergency Management Sherri Russo presented Master Certified Emergency Manager Certificates to Captain Pete Nelms and Reserve Unit Member George Knight for completing the requirements necessary to accomplish this designation. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof.

The Board commended Captain Nelms and Reserve Unit Member George Knight for all of their efforts in completing the requirements necessary for this certification. Vice Chairman Frady remarked that George Knight was a volunteer and he had accomplished all of the requirements on his own time and he commended him for his efforts.

PUBLIC HEARING:

D. CONSIDERATION TO ACCEPT THE UPDATED 2010 FAYETTE COUNTY HAZARD MITIGATION PLAN AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S DISASTER MITIGATION ACT OF 2000 AND AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE RESOLUTION AUTHORIZING THE ADOPTION:

Public Safety Director Allen McCullough provided the Board with an overview of the updated 2010 Fayette County Hazard Mitigation Plan and asked for the Board's consideration to approve the Plan as required by the Federal Emergency Management Agency's Disaster Mitigation Act of 2000 and authorization for the Vice Chairman to execute the Resolution authorizing the adoption.

Vice Chairman Frady remarked since this was a public hearing anyone wishing to speak in favor or against this item could do so at this time. There was no public comment.

Commissioner Horgan made a motion to approve the updated 2010 Fayette County Hazard Mitigation Plan required by the Federal Emergency Management Agency's Disaster Mitigation Act of 2000 and authorization for the Vice Chairman to execute the Resolution affecting the adoption. Commissioner Hearn seconded the motion. The motion carried 4-0. Chairman Smith was absent. A copy of the request and the Resolution, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

BOB ROSS: Bob Ross, 202 Bridge Point, Peachtree City commented on the West Fayetteville Bypass project. He remarked that it had been five weeks since Fayette County citizens condemned the West Fayetteville Bypass projects II and III and there was still no response by this Board on what the majority of Fayette County voters want. He presented

the Board with a handout of his comments. A copy of the handout, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

MARTHA NOLAN: Martha Nolan, 270 Flat Creek Trail, Fayetteville urged the Board not to create any additional taxes in next year's budget. She urged the Board to have more cuts in the County's budget and suggested the Board look at the number of Crown Victorias and F-150 County vehicles in the parking lot.

CONSENT AGENDA: Commissioner Maxwell remarked that he and Commissioner Horgan were absent for the August 4th Board meeting and could not vote for consent agenda item no. 10. Commissioner Hearn made a motion to table consent item no. 10 regarding approval of the August 4th Board of Commissioners' meeting minutes to the September 9th Board meeting for consideration. Commissioner Horgan seconded the motion. The motion carried 4-0. Chairman Smith was absent. Commissioner Maxwell made a motion to approve consent agenda item nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11. Commissioner Horgan seconded the motion. The motion carried 4-0. Chairman Smith was absent.

JAIL EXERCISE YARD - VERTICAL EARTH AWARDED BID:

1. Approval of staff's recommendation to award bid for the repair of the Jail exercise yard to Vertical Earth in the amount of $89,050.00. A copy of the request and backup, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

SHERIFF'S OFFICE - OVERTIME BUDGET ACCOUNT AMENDED:

2. Approval of Sheriff's Office request to amend the 2010 Overtime Budget Account for the Sheriff's Office Criminal Investigations Division by $3,977.15 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - OVERTIME BUDGET ACCOUNT AMENDED:

3. Approval of staff's request to amend the FY2011 Overtime Budget Account for the Sheriff's Office Criminal Investigations Division by $954.77 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - SOFTWARE MAINTENANCE BUDGET AMENDED:

4. Approval of Sheriff's Office request to amend the FY2011 Software Maintenance Budget Account for the Sheriff's Office Criminal Investigations Division by $1,197.58 for reimbursement of monies from NEC. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

PARKS AND RECREATION DEPT. - CHASE PAYMENTECH AGREEMENT:

5. Approval of staff's recommendation to enter into an agreement with Chase Paymentech to provide Fayette County with electronic payment processing services for the Parks and Recreation Department and authorization for the Chairman to execute this agreement pending the County Attorney's approval. A copy of the request and the Agreement, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

SHERIFF'S OFFICE - SOUTH WESTERN COMMUNICATIONS AGREEMENT FOR SECURITY SYSTEMS:

6. Approval of staff's recommendation to enter into an agreement with South Western Communications (SWC) to align the existing service contracts for security systems for Sheriff's Buildings "A" and "B" to coincide with Fayette County's fiscal year and authorization for the Chairman to execute this agreement pending the County

Attorney's approval. A copy of the request and Agreement, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

RECREATION DEPT. - ALL PRO CONTRACTORS, INC. AWARDED ELECTRICAL WORK AT MCCURRY PARK SOFTBALL COMPLEX:

7. Approval of staff's recommendation to award electrical work at McCurry Park Softball Complex to All Pro Contractors, Inc. at a total cost of $7,630.00 utilizing Contingency Funds for repairs and upgrades needed due to a lightning strike. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

ELECTIONS OFFICE - PURCHASE OF SCANNING EQUIPMENT AND SOFTWARE:

8. Approval of staff's request for a budget amendment to transfer $7,661 from the FY2010 Elections and Voter Registration Operating Budget Account to a project account for the purchase of scanning equipment and software. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

ELECTIONS OFFICE - THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN FAYETTE COUNTY AND THE SECRETARY OF STATE FOR THE ADDITION OF BAR CODE SCANNERS:

9. Approval of staff's recommendation that the County enter into the "Third Amendment to the Intergovernmental Agreement between Fayette County and the Secretary of State's Office which will provide for the addition of bar code scanners which will expedite the voting process. A copy of the request and the Intergovernmental Agreement, identified as "Attachment No. 14", follow these minutes and are made an official part hereof.

MINUTES:

10. Approval of minutes for Board of Commissioners' meeting held on August 4, 2010.

Tabled to the September 9, 2010 Board of Commissioners meeting for consideration.

MINUTES:

11. Approval of minutes for Board of Commissioners' meeting held on August 12, 2010.

OLD BUSINESS:

E. CONSIDERATION OF ADOPTION OF ORDINANCE NO. 2010-08 REGARDING PROPOSED AMENDMENTS TO THE FAYETTE COUNTY CODE, CHAPTER 8, DEVELOPMENT REGULATIONS, BY AMENDING ARTICLES I, III, IV AND XIV:

Director of Stormwater Management Vanessa Birrell discussed the proposed Amendments to the Fayette County Code, Chapter 8, Development Regulations, by amending Articles I, III, IV and XIV. She asked for the Board's consideration to adopt Ordinance No. 2010-08 reflecting these proposed amendments.

Commissioner Horgan made a motion to adopt Ordinance No. 2010-08 regarding proposed amendments to the Fayette County Code, Chapter 8, Development Regulations, by amending Article I, III, IV and XIV. Commissioner Hearn seconded the motion. The motion carried 4-0. A copy of the request, backup and Ordinance No. 2010-08 identified as "Attachment No. 15", follow these minutes and are made an official part hereof. Chairman Smith was absent.

NEW BUSINESS:

F. CONSIDERATION OF A REQUEST FROM JUDGE FLETCHER SAMS THAT HIS SECRETARY BE ALLOWED TO CONTINUE AS A COUNTY EMPLOYEE WHILE SERVING AS SECRETARY IN HIS NEW ROLE AS SUPERIOR COURT JUDGE:

County Administrator Jack Krakeel asked for the Board's consideration to approve a request from Judge Fletcher Sams that his secretary Melanie Nichols be allowed to continue as a County employee while serving as secretary in his new role as Superior Court Judge. He noted that there was a reimbursement process available from the State to the County for the salary for that position. He remarked that Ms. Nichols would be eligible for that reimbursement but would leave a differential of approximately $12,828.51 that would have to be funded from County funds.

Commissioner Maxwell made a motion to approve the request from Judge Fletcher Sams for his secretary Melanie Nichols to be allowed to continue as a County Employee while serving as secretary to Judge Sams in his new role as Superior Court Judge and to coordinate her benefits with the State regarding any reimbursement and to include any subsequent issues that might be involved in this transition. Commissioner Hearn seconded the motion. The motion carried 4-0. Chairman Smith was absent. A copy of the request and backup, identified as "Attachment No. 16", follow these minutes and are made an official part hereof.

G. CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAYETTEVILLE FOR CONSTRUCTION OF A TRANSPORTATION SPLOST PROJECT KNOWN AS THE LAFAYETTE EXTENSION/SIGNAL PROJECT:

County Administrator Jack Krakeel remarked that the City of Fayetteville was asking for consideration by the County to assist in two projects including the extension of Lafayette Avenue and the redesign of the intersection of S.R. 92 and S.R. 85 and Hood Avenue. He said the Intergovernmental Agreement before the Board tonight was specific to the Lafayette extension/signal project in the amount of $491,588.36 and that this project was approved to be funded by 2004 S.P.L.O.S.T. proceeds (Project R-14 in the 2004 Transportation Plan). He asked for the Board's consideration to approve this Agreement and also authorization for staff to proceed with further exploration and cost refinement for the project at S.R. 92 and S.R. 85. He noted that there were some minor modifications to the Agreement before the Board tonight but he would meet with County Attorney Scott Bennett to draft a final document for the Chairman's signature. He said the City of Fayetteville was in agreement with the changes.

Commissioner Horgan made a motion to approve the Intergovernmental Agreement with the City of Fayetteville for construction of a transportation S.P.L.O.S.T. project known as the Lafayette Extension/Signal Project including the changes as discussed. Commissioner Hearn seconded the motion. The motion carried 4-0. Chairman Smith was absent. A copy of the request and the Intergovernmental Agreement, identified as "Attachment No. 17", follow these minutes and are made an official part hereof.

H. CONSIDERATION OF STAFF'S RECOMMENDATION THAT THE COUNTY ENTER INTO AN ANNUAL "AGREEMENT FOR INDIGENT DEFENSE SERVICES PROVIDED BY THE GRIFFIN JUDICIAL CIRCUIT PUBLIC DEFENDER'S OFFICE IN FAYETTE COUNTY":

County Administrator Jack Krakeel asked for the Board's consideration to approve staff's recommendation that the County enter into an annual "Agreement for Indigent Defense Services provided by the Griffin Judicial Circuit Public Defender's Office in Fayette County". He remarked that year before last the Board had cut the budget by 4%. He said this year's original request was for an increase but had been negotiated back to a recommended level of funding held at the same level as the prior fiscal year in the amount of $484,512 actually was less than what the County was paying

three years ago. He said he had reviewed the contract with the County Attorney Scott Bennett as well as the appointed Interim Administrator Allen Adams for the Griffin Judicial Circuit and they recommended approval.

Commissioner Horgan made a motion to approve staff's recommendation that the County enter into an annual "Agreement for Indigent Defense Services provided by the Griffin Judicial Circuit Public Defender's Office in Fayette County". Commissioner Hearn seconded the motion. The motion carried 4-0. Chairman Smith was absent. A copy of the request and Agreement, identified as "Attachment No. 18, follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORT:
None.

ATTORNEY'S REPORT:
SECOND AMENDMENT TO ANTENNA SITE LEASE WITH PINNACLE TOWERS LLC: County Attorney Scott Bennett asked for the Board's consideration to approve the Second Amendment to the Antenna Site Lease between Fayette County and Pinnacle Towers LLC. He noted the original lease was entered into on January 1, 2000. He noted that this amendment would extend the lease for three five year terms or a total of fifteen (15) years to December 31, 2024.

County Administrator Jack Krakeel remarked that this was a financially good situation for the County. He pointed out that this tower was constructed in 1985 and during the course of the last twenty-five years the County had generated anywhere from $35,000 to $50,000 annually in lease fee revenues. He said the original construction cost of the tower was $150,000. County Attorney Scott Bennett remarked that the County was entitled to half of the revenue that was generated. He said the tenant would pay for the maintenance costs.

Commissioner Horgan made a motion to approve the Second Amendment to Antenna Site Lease with Pinnacle Towers LLC for three five year terms or a period of 15 years for authorization for Vice Chairman Frady to execute said Lease. Commissioner Hearn seconded the motion. The motion carried 4-0. Chairman Smith was absent. A copy of the Second Amendment to the Antenna Site Lease with Pinnacle Towers LLC, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

STAFF REPORTS:
None.

BOARD REPORTS: Commissioner Maxwell said he would like to discuss the issue of condemned properties in Fayette County with the Director of Permits and Inspections Joe Scarborough at the Board's next Wednesday Workshop meeting on September 1st. He said he had received a call from a constituent on this issue and he told her that he would address it at the workshop meeting. He requested this item to be added to that agenda for discussion.

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

Commissioner Horgan made a motion to adjourn to Executive Session to discuss real estate acquisition. Commissioner Hearn seconded the motion. The motion carried 4-0. Chairman Smith was absent.

Vice Chairman Frady adjourned the Executive Session and reconvened the meeting to open session. He remarked that real estate acquisition had been discussed in Executive Session.

Commissioner Hearn made a motion to authorize the Vice Chairman to execute the Executive Session Affidavit affirming that real estate acquisition was discussed in Executive Session. Commissioner Horgan seconded the motion. The motion carried 4-0. Chairman Smith was absent. A copy of the Executive Session Affidavit, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

ADJOURNMENT: Hearing no further business to come before the Board, Vice Chairman Frady adjourned the meeting at 8:58 p.m.

Karen Morley, Chief Deputy Clerk

Herbert E. Frady, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 9th day of September, 2010.

Karen Morley, Chief Deputy Clerk