



Action Agenda

Board of Commissioners
July 28, 2011
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, July 28, 2011, 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, Chairman
Robert Horgan, Vice Chairman
Steve Brown
Lee Hearn
Allen McCarty

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Floyd L. Jones, Chief Deputy Clerk

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the July 28, 2011 Board of Commissioners meeting to Order at 7:01 p.m. Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Horgan moved to Accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

1. Presentation to those leaving service to Fayette County: Jimmy Adams and Joanna Huddleston.

Director of Public Safety Allen McCullough spoke about the years of service given by Jimmy Adams and Joanna Huddleston, and both he and the Board rewarded them with their rocking chairs.

PUBLIC HEARING:

2. Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III Definitions, Article V General Provisions, and Article VI District Use Requirements regarding beekeeping.

Director of Community Affairs Pete Frisina explained that the proposed amendments as presented was due to a collaborative effort that particularly involved Zoning Administrator Dennis Dutton, Zoning Technician Robyn Wilson, the Planning Commission, and a number of local beekeepers. He said each person spent many hours and endured many meetings trying to put the ordinance together. He reviewed the efforts undertaken on this issue since March 2011 and explained that two options were available to the Board for consideration.

He explained that Option One being offered allowed for beekeeping within the zoning ordinance, but does not include any requirements such as setbacks, buffers, or other similar restrictions.

He explained that Option Two being offered was recommended by staff and the Planning Commission, and that it reflected input received from the Board during the June 2011 Workshop meeting. He said it included provisions on Article V that do give some restrictions and allowance in A-R zoning.

Chairman Frady asked for those who supported the proposed amendments to speak.

Mike Maxwell: Mr. Maxwell spoke in favor of beekeeping and supported Option One as presented.

Virginia Webb: Ms. Webb spoke in favor of beekeeping and supported Option One as presented.

Jerry Edwards: Mr. Edwards spoke in favor of beekeeping and supported Option One as presented.

David Hall: Mr. Hall spoke in favor of beekeeping and supported Option One as presented.

Darwin Edwards: Mr. Edwards spoke in favor of beekeeping and supported Option One as presented.

Noel Barlau: Mr. Barlau spoke in favor of beekeeping and supported Option One as presented.

Chairman Frady asked for those who opposed the proposed amendments to speak. No one spoke in opposition to the proposed amendments.

Commissioner Horgan moved to adopt Option One of the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III Definitions, Article V General Provisions, and Article VI District Use Requirements, to include setbacks as provided in Section 2-26.1(B) of Option Two, and to include the requirement that the beekeeper shall have 30 days from the time of a complaint to bring the beehive(s) into compliance as provided in Section 5-26.1 (F) of Option Two. Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

Gordon Furr: Mr. Furr spoke about the fire station in Tyrone and he asked why the County had not spent money to maintain the station.

Vic Remeneski: Mr. Remeneski noted that the recent work and earlier vote concerning the beekeeping issue was an example of when "bureaucracy gets involved with Mother Nature", and he could not believe all of the time and man-hours put into a common sense issue. He spoke about the frustration felt by citizens who feel their state and federal representatives do not listen to them. He noted that Fayette County and the sitting Board of Commissioners consists of conservative Republicans who often feel frustrated by the Democrats in Washington who passed "Obamacare" against

the will of the majority of the citizens. He noted that the United States Senate, with a majority of Democrats and lead by Senator Harry Reid, refused to allow a vote on House Bill 2560; better known as the "Cut, Cap, and Balance" bill. He compared the actions and frustrations pertaining to the United States Senate to the Fayette County Board of Commissioners, made up of Republicans, who are acting like Washington D.C. Democrats by refusing to let the citizens vote on House Bill 240. He said the people are frustrated that the local elected officials refused to listen to the vast majority of Fayette County's voters' wishes.

David Hall: Mr. Hall said it would be good to use SPLOST funds to lower the County's general expenses, and that the money would be far better spent in order to lower property taxes and pay needs other than the West Fayetteville Bypass. He said the West Fayetteville Bypass is a "bad road" that will cause increasing crime rates and will not accomplish traffic reduction. He said the majority of the people are against the West Fayetteville Bypass, and that the Board needed to consider allowing the people to vote on House Bill 240.

Dennis Chase: Mr. Dennis Chase spoke about the current Stormwater Program and proposed fees under consideration by Fayette County. He noted several areas of concern with the program, particularly with respect to the research and expenditures underlying the issue, and the possibility that properties that do not impact the stormwater program will be charged fees alongside those properties that actually do affect the county's stormwater structure.

Bob Ross: Mr. Ross thanked Public Works Director Phil Mallon and Chief Financial Officer Mary Holland who responded to his inquiries with promptness, timeliness, thoroughness, and professionalism. He also thanked County Administrator Jack Krakeel, and he thanked Commissioners Hearn and Horgan for their "willingness to work with me on another project that I have been involved in." He thanked the Board for maintaining Public Comments at the beginning of the meeting, and he voiced concern with two sections of the proposed ordinance listed under Old Business Item 13.

Angela Hinton Fonda: Ms. Hinton Fonda spoke about Old Business Item 13 on the Agenda. She asked the Board to either not vote to adopt the proposed Ordinance, or to hold it for further discussion, review, and revision. She said Mr. Ross spoke about much of her concerns, and then she spoke of some other sections that gave her "great concern" as well.

Randy Ognio: Mr. Ognio spoke about Old Business Item 13, saying he agreed with Commissioner Brown's points that were raised at the July 6th Workshop meeting., and that he also agreed with Mr. Ross' and Ms. Hinton Fonda's points as well. He then spoke about other sections of the proposed Ordinance that he had concerns with.

Claudia Eisenburg: Ms. Eisenburg thanked Chairman Frady. She said she read *The Citizen*, published on July 27, and based on the written article she thanked the Chairman for "your diligent work with the ARC, and I know what you did was not popular among your peers, and again I appreciate you being proactive." She said she has had her doubts about the T-SPLOST, that she thought it was to fund mass transit for metro Atlanta, and that while she has never been concerned about a bus or train running through Fayette County she has been concerned about having to pay for someone else's transportation. She said she could not afford to pay for others transportation, especially with the cost of living rising, and to force Fayette County fund other's transportation is "just shameful".

Tom Halpin: Mr. Halpin noted that in *The Citizen*, published on July 27th, when the list of Fayette County's projects was published that appeared before the Atlanta Regional Commission, he noticed that the East Fayetteville Bypass was included on the list. He noted that the ten counties are asking taxpayers to pay for the bypass again, even though the citizens were told that 2004 SPLOST authorized money to be "set aside" to pay for the East Bypass. He concluded that

it appeared this was “double taxation”. He asked why Fayette County was asking the taxpayers to pay for a project twice, and if they are not being asked to be paid for twice, then this was something that the County needs to reconsider or explain the request to the taxpayers.

Marty Harbin: Mr. Harbin thanked Commissioner Brown for his comments at the July 14th meeting. He said the Board should realize that the county is dealing with economic conditions it has not seen before, and that he had watched many businesses that he serves go out of business. He noted that the County’s staff reported that more houses are being reevaluated for their declining values, and tax revenues are going down. He continued that the newspapers are reporting that the School Board is expecting “negative numbers” since their federal and state funds are “drying up.” He explained that as a business man he has had to “put people off” and has had to “cut back”, and that, as a general rule, governments do not make those kinds of decisions. He emphasized that some of the wisest decisions he has made came after he reviewed a situation and thought through it again. He encouraged the County to be cautious in making decisions, especially since the economic situation driven by the federal government was bleak.

CONSENT AGENDA:

Commissioner Brown asked for Consent Agenda Items 4 and 6 to be removed for discussion.

Commissioner Horgan moved to approve Consent Agenda Items 3-12 excluding Items 4 and 6. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

3. **Approval of staff’s request to extend the contract with Trammell-Horton Contracting, L.L.C. for ninety (90) days for the purpose of completing the current Library Expansion project.**
4. **Approval of staff’s recommendation to enter into Contract Number S013583-PR with the Georgia Department of Transportation for the resurfacing of Goza and Old Senoia Roads and authorization for the Chairman to execute said contract.**

Commissioner Brown asked what the total cost to the county would be for resurfacing project, and he asked, if there is a cost to the county, if the cost was budgeted in the Fiscal Year 2012 budget. Public Works Director Phil Mallon answered Commissioner Brown’s questions.

Commissioner Brown moved to approve Consent Agenda Item 4 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

5. **Approval of staff’s request that the County accept the Local Public Acceptance Resolution 66 (1318L), prepared by the Georgia Department of Transportation, for recently completed improvements at the intersection of State Route 92 and Hilo Road and Kingswood Drive; and authorization for Chairman to execute same.**
6. **Approval of staff’s request for the Chairman to sign a Temporary Right of Entry Agreement with CSX Transportation, Inc. for pavement improvements at the CSX Railroad Crossing on Sandy Creek Road, and to approve staff’s request to obtain related insurance coverage as required.**

Commissioner Brown asked why CSX Transportation was not doing the work since they often work on the crossings in Peachtree City and other areas. Public Works Director Phil Mallon answered Commissioner Brown’s question.

Commissioner Brown moved to approve Consent Agenda Item 6 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

7. **Approval of the Sheriff's request to authorize the Chairman to sign the Equitable Sharing Agreement and Certification document, as required by the United States Department of Justice and the United States Department of the Treasury.**
8. **Approval of the Sheriff's request to amend the Fiscal Year 2011 Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by \$7,963.97 for reimbursement for employees assigned to work with various Federal agencies.**
9. **Approval of the Sheriff's request to declare a Crossmatch Fingerprint Scanning machine to be unserviceable, to acquire a new machine at a cost of \$19,632.77, and to trade in the old machine for a \$4,228.50 credit, resulting in a net cost of \$15,404.27 for the replacement machine.**
10. **Approval of staff's request for the Board to declare two incinerators as unserviceable, and to authorize staff to sell the incinerators to the highest bidder through the GovDeals website.**
11. **Approval of staff's request to declare two planimeters and a Leica GS20 GPS with an external Antenna Upgrade Package as unserviceable, and to authorize staff to sell the specified items on the GovDeals website to the highest bidder.**
12. **Approval of the July 6, 2011 Board of Commissioners Workshop Minutes and the July 14, 2011 Board of Commissioners Minutes.**

OLD BUSINESS:

13. **Consideration of a proposed Ordinance which addresses the procedures, decorum and rules of order used for conducting County Commission meetings.**

Commissioner Brown asked for a continuance of Old Business Item 13 and asked for it to be considered at the next regularly scheduled Board of Commissioners meeting held on August 11, 2011. Commissioner McCarty seconded the request.

County Attorney Scott Bennett informed the Board that if it were intending to table the item until the August 11, 2011 Board of Commissioners meeting that the Board would need to vote on the item. He added that if the Board intended to continue the item until the upcoming Workshop meeting then no vote would be required.

Commissioner Brown stated that the reason he wanted to move the item to a Thursday meeting is that he would try to present an alternative to the ordinance, and then get it into the people's hands so they could comment on it at the meeting.

Commissioner Brown moved to table the present item until the August 11, 2011 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

- 14. Consideration of an updated intergovernmental agreement between Fayette County and the municipalities of Fayetteville, Peachtree City, Tyrone, and the Board of Education, which addresses funding and operation of the Fayette County E-911 Communications System; and consideration of the creation of an E-911 special tax district.**

County Administrator Jack Krakeel spoke to the Board about this request. After making his report, Mr. Krakeel asked the Board to adopt a resolution establishing a Special E-911 Tax District that would encompass the entirety of Fayette County.

Commissioner Horgan moved to adopt a new E-911 Intergovernmental Agreement along with Resolution 2011-11; creating a Special E-911 Tax District. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

NEW BUSINESS:

- 15. Consideration of staff's request to approve a Change Order with Heath & Lineback Engineers, in the amount of \$24,900, for the design of a 16-inch waterline relocation at the Westbridge Road bridge over Morning Creek (SPLOST Project No. B-2, Contract No. P733).**

Public Works Director Phil Mallon presented his request and answered questions from the Board.

Commissioner Hearn moved to approve staff's request to approve a Change Order with Heath & Lineback Engineers, in the amount of \$24,900, for the design of a 16-inch waterline relocation at the Westbridge Road bridge over Morning Creek (SPLOST Project No. B-2, Contract No. P733). Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

ADMINISTRATOR'S REPORTS:

Resolution 2011-11 Read Into the Record: County Administrator Jack Krakeel read Resolution 2011-11, approved by the Board under Old Business 14, into the record.

The County Administrator gave no other report.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty announced that he was totally against stormwater fees or anything else that would take money out of the citizens' pockets, regardless of it being called a tax or a fee. He understood that the County was approximately \$18 million behind on its stormwater fees, but if the fees were implemented even churches and schools will pay them. He said the school budget is not "working too well right now" and their millage rate will have to increase to fix the budget. He continued that church donations would also have to rise in order to pay the fees. He repeated that he is against stormwater fees because, according to information he received from the State's handbook that serves as a guide to Commissioners concerning SPLOST projects, that stormwater fees can be paid for with SPLOST funds that would make up the \$18 million shortfall and would enable the Road Department to continue fixing roads, making improvements, and repairing stormwater needs.

Commissioner Hearn: Commissioner Hearn addressed Mr. Randy Ognio's public comments concerning the proposed changes to decorum. He said he had noted them and will recommend a number of those changes to be made, including others that Angela Hinton Fonda and Bob Ross had also suggested. He then responded to Mr. Tom Halpin's comments

concerning the East Fayetteville Bypass. He explained that while he is undecided with his support on this issue, if Fayette County was going to be a part of the T-SPLOST, it would be incumbent on the County to put the best projects on the list. He said there are many things that affect Fayette County, and as Mr. Marty Harbin pointed out, the County's revenues are down. He said he wanted to assure the citizens that the County has made some serious cuts in expenses over the past three years including with personnel issues and other issues. He said he was proud that Fayette County is not faced with the same changes confronting Cobb County and Clayton County, and that it is incumbent for the Board to be good stewards of the taxpayer's money and to make good decisions. He wanted the people to know what responsibility the Board was charged with and for them to know that the Board works at the charge every day.

Commissioner Brown: Commissioner Brown stated that Mr. Marty Harbin's point related to House Bill 240 was apropos, and he thought the County was deficit budgeting and has done so for the last few years. He said that while Fayette County is not increasing taxes such as Cobb and Clayton Counties are, Fayette County was slowly heading in that direction. He said revenues are not expected to rise anytime soon, so the County has to be careful. He referred back to the last Board of Commissioners meeting, and particularly to comments given by Commissioner McCarty concerning working on stormwater projects as part of the SPLOST - Road Project program. He said he went back and reviewed the information, and that stormwater work is included in the scope of road projects. He referred to New Business Item 15 as an example where utility removal was not originally in the scope of the SPLOST project but the Board decided to do it. He concluded there was some confusion as to whether Commissioner McCarty was correct on the issue, but, in fact, stormwater projects can be included within the Road SPLOST under the premise of maintaining roads.

ADJOURNMENT

Commissioner Brown moved to adjourn the July 28, 2011 Workshop Meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned at 8:34 p.m.

Floyd L. Jones, Chief Deputy Clerk